

Date Mailed  
June 11, 2002

BEFORE THE  
PUBLIC SERVICE COMMISSION OF WISCONSIN

Revision of Chapter PSC 165 – Consumer Protection Rules

1-AC-184

**NOTICE OF HEARING**

<b>Hearing Date:</b>	<b>July 30 and 31, 2002 at 9:00 am</b>
<b>Hearing Location:</b>	<b>Public Service Commission, 610 North Whitney Way, Madison, WI</b>

<b>Comments Due:</b> <b>Friday August 23, 2002– Noon</b>	<b>Address Comments To:</b> <b>Lynda L. Dorr, Secretary to the Commission</b> Public Service Commission P.O. Box 7854 Madison, WI 53707-7854 FAX (608) 266-3957
<b>FAX Due:</b> <b>Thursday August 22, 2002–Noon</b>	

The Public Service Commission of Wisconsin proposes an order to repeal PSC 165.02(6) and (16), 165.031, 165.043(1) to (3), (4)(a), (c)(intro.) and 2., (d) and (5), 165.05(1)(intro.) and (c)(intro.), and (2), 165.051(1)(title) and (a) to (c), (2)(title), (3), (4)(a) and (c), (6)(title), (intro.) and (c), (7), (9)(title), (11) and (12), 165.052(1)(a), (b) and (d), (2)(e), (3), (4)(g), (5) and (6)(c)3., 4. and 5., and (8), 165.0525(4) and (6), and 165.0535(2), (3)(a) to (d) and (4); to renumber PSC 165.01(title) and (1), 165.02(title), (intro.), (1) to (5), (7), (8), (12), (13), (15), (18) to (20) and (23), 165.032(title), (intro.), (1) to (5), (8) and (9), 165.033, 165.034, 165.04, 165.041, 165.043(title), 165.05(title) and (1)(c)1., 3. and 5. to 7., 165.051(2)(b) and (5)(title) and (b), 165.052(1)(title), (2)(title), (4)(title) and (e), (6)(title) and (c)1. and (7)(title), 165.0525(title) and (2)(a) to (f), 165.053(title) and (2), 165.0535(title) and (1)(c), 165.054, 165.055(title), 165.06, 165.061 to 165.067, 165.07, 165.071(title) and (2), 165.072(title) and (3), 165.073 to 165.077, 165.08(title) and (1) to (4), 165.081, 165.082, 165.083(1) to (6), 165.084(1)(intro.) and (a) to (c), 165.087(1)(title), (intro.), (a) to (c) and (e), (2)(title) and (3)(title), 165.088, 165.089(title), (1) and (3) to (6), 165.09, 165.091, and 165.10(title) and (1) to (3); to renumber and amend PSC 165.01(2) to (5), 165.02(9) to (11), (14), (17), (21) and (22), 165.032(6) and (7), 165.042, 165.043(4)(intro), (b), (c)1., (e) and (f), 165.05(1)(a), (b), (c)2., 4. and 8., and (d), 165.051(title), (1)(intro.), (2)(intro.) and (a), (4)(title) and (b), (5)(a) and (c), (6)(a) and (b), (8) to (10) and (13), 165.052(title), (1)(c), (2)(intro.) and (a) to (d), (4)(intro.), (a) to (d) and (f), (6)(a), (b), (c)(intro.) and 2., and (7), 165.0525(intro.), (1), (2)(intro.), (3) and (5), 165.053(1), 165.0535(1)(intro.), (a), (b) and (d), (3)(intro.) and (5), 165.055(1) to (6), 165.071(1), 165.072(intro.), (1) and (2), 165.078, 165.08(5), 165.083(title) and (intro.), 165.084(title), 165.085, 165.086, 165.087(title), (1)(d), (2)(a) to (d) and (3)(a) and (b), 165.089(2), (7) and (8), and 165.10(4); to amend PSC 168.09(6); and to create PSC Subchapter I(title), 165.0101(1)(title), (2)(title) and (b), (3)(title) and (4)(title), 165.0102(1), (8), (11), (12), (15) to (17), (19), (22), (22m), (24), (26) to (28), (30)

to (32), (34), (36), (37), (40), (42) and (43), Subchapter II(title), 165.0201,165.0202(1)(title), (2) and (3), 165.0206(title), 165.0210, Subchapter III(title), 165.0301, 165.0302(1), (2)(b) to (e) and (6) to (9), 165.0303(1)(b), (2) to (4), (5)(b), (6) and (7)(b), 165.0304 and 165.0305, 165.0306(4)(a)1. to 6. and (b), (7) and (8), 165.0307, 165.0308, Subchapter IV(title), 165.0401(1) to (9), (10)(title), (11)(title) and (intro.) and (12) to (18), 165.0402(1), (2)(title), (a)1. and 2. and (b), (3)(title), (b) and (c), (4), (5), (6)(a), (c) and (d), (8)(title), (9)(title) and (a), 165.0403, Notes following 165.0404(1), 165.0404(2), (4)(f), (5)(a) and (b), (6), (8) and (9), Subchapter V(title), 165.0501, 165.0502, 165.0503(1)(a), (2)(b) and (d) to (f), (3)(f), (g) and (i), (4), (5)(c) and (d)3. to 5., Subchapter VI(title), 165.0606, Note following 165.0612(7), Subchapter VII(title), Subchapter VIII(title), and 165.0804(title), relating to telecommunications customer service and protection.

## **ANALYSIS PREPARED BY THE PUBLIC SERVICE COMMISSION OF WISCONSIN**

The analysis is set forth as Attachment A hereto.

## **TEXT OF PROPOSED RULE**

The text of the proposed rule is set forth as Attachment B hereto.

## **INITIAL REGULATORY FLEXIBILITY ANALYSIS**

These rules apply to all telecommunications providers other than wireless carriers and, to the extent they provide local service or intrastate toll, interexchange carriers. This includes incumbent local exchange companies (ILECs), competitive local exchange companies (CLECs), cooperatives, and alternative telecommunications utilities such as resellers. Many of these companies are small businesses under s. 227.114, Stats. For example, 76 ILECs are small telecommunications utilities. Under s. 196.216, Stats., small telecommunications utilities are considered small businesses.

The Commission created a workgroup of industry representatives and members of the public in order to gather input as these rules were drafted. In an effort to recognize and, to the extent practicable, minimize the potential impact of the rules on small businesses, the Commission specifically named industry members who represented small telecommunications businesses to the workgroup. Each subcommittee also had a small business representative. Any methods for reducing the impact on small business that the Commission feels are feasible have been incorporated into the rule.

## **FISCAL ESTIMATE**

This rule change has no fiscal impact. A completed Fiscal Estimate form is included as Attachment C.

## NOTICE OF HEARING

**NOTICE IS HEREBY GIVEN** that pursuant to s. 227.16(2)(b), Stats., the Commission will hold a public hearing on these proposed rule changes in the **Amnicon Falls Hearing Room**, at the Public Service Commission Building, 610 North Whitney Way, Madison, Wisconsin, on July 30 and 31, 2002 at 9:00 am. This building is accessible to people in wheelchairs through the Whitney Way (lobby) entrance. Handicapped parking is available on the south side of the building.

## WRITTEN COMMENTS

Any person may submit written comments on these proposed rules. The hearing record will be open for written comments from the public, effective immediately, and until Friday August 23, 2002 at noon (Thursday August 22, 2002 at noon if filed by fax). All written comments must include a reference on the filing to docket 1-AC-184. **File by one mode only.**

If filing by mail, courier, or hand delivery: Address as shown in the box on page 1. Industry parties should submit **an original and 15 copies**. Members of the general public need **only file an original**.

If filing by fax: Send fax comments to (608) 266-3957. Fax filing cover sheet **MUST** state **“Official Filing,”** the docket number (1-AC-184), and the number of pages (limited to 20 pages for fax comments).

## CONTACT PERSON

Questions regarding this matter should be directed to Jane Zemlicka, docket coordinator at (608) 267-9814. Hearing or speech-impaired individuals may also use the Commission’s TTY number, (608) 267-1479.

The Commission does not discriminate on the basis of disability in the provision of programs, services, or employment. Any person with a disability who needs accommodations to participate in this proceeding or who needs to get this document in a different format should contact Jane Zemlicka, as indicated in the previous paragraph, as soon as possible.

Dated at Madison, Wisconsin \_\_\_\_\_

By the Commission.

\_\_\_\_\_  
Lynda L. Dorr  
Secretary to the Commission

LLD:JSM:g:\order\pending\1-AC-184 notice.doc

**ANALYSIS PREPARED BY THE  
PUBLIC SERVICE COMMISSION OF WISCONSIN**

Statutory authority: ss. 196.02(3), 196.219(3)(L) and 227.11(2), Stats.

Statute interpreted: s. 196.03(1), 196.06(3), 196.12(1), and 196.219 Stats.

Chapter PSC 165 contains a number of consumer protection regulations for certain telecommunications providers. These include regulations in areas such as: applications for service, customer billing, information available to customers, deposits, deferred payment agreements, service restrictions, disconnection of service, customer complaints, dispute procedures and telephone directories.

In 1994 the legislature passed 1993 Wis. Act 496, which significantly changed the area of telecommunications regulation. The Act introduced much more competition and customer choice into the telecommunications field. As a result, new problems and areas of concern have arisen which prompted the Commission to reexamine its current administrative rules to see which are outmoded and should be removed and which areas require new rulemaking. The Commission examined the rule in two parts: technical standards and issues, and consumer protection issues. Although minor changes such as cite references and language clarification were made to the technical pieces, the rule changes focus on the consumer protection issues. Changes to the technical portions were explored in a separate Commission proceeding.

The Commission is proposing the following revisions to Chapter PSC 165 to reflect the evolution of the telecommunications market and telecommunications technology. Because the current rule predates major changes in the telecommunications industry, it does not specifically address consumer protection issues such as “slamming” and “cramming,” or the creation of consumer assistance programs. For this reason, several new sections were added to PSC 165 to address these issues.

The proposed rule with revisions applies to providers such as incumbent local exchange carriers, competitive local exchange carriers, and resellers. It does not apply to wireless providers and only applies to interexchange carriers if they are providing local or intrastate toll service and, even then, only to that portion of their business.

The Commission has worked closely with representatives from the telecommunications industry, community groups and other state agencies in preparing these revisions and creating several new sections of the rule. These individuals have provided extensive advice and input concerning these proposed rules, and many of the changes result directly from that input.

The rule has been given a delayed effective date (two months from publication) to give companies time to make changes necessary as a result of the revised rules.

The rule has been reorganized into subchapters and renumbered to make it more readable and “user-friendly.” **A general description of new and changed sections follows.** Sections not listed are technical portions that were considered in a separate rulemaking.

## **1-AC-184**

### **Attachment A**

Section PSC.165.0101 deals with the scope and purpose of the rules. This section has been reorganized for clarity and a reference to s 196.219, Stats., was added to the list of statutes implemented by the rule.

Section PSC 165.0102 contains definitions of the terms used in the chapter. Minor changes were made to 7 definitions to reflect their usage in the revised rules, and 2 definitions were deleted. It was necessary to add twenty-four definitions because of rule revisions and the addition of several new sections to the rule.

Section PSC 165.0201 on preservation of records itemizes some of the records telecommunications providers must preserve and establishes the time periods they must be retained. Some new categories of records were added and others were consolidated here from other parts of the existing rule. Retention time periods changed.

Section PSC 165.0202 on customer complaints requires telecommunications providers to investigate customer complaints. The proposed changes to this section establish the time period for customer complaint record retention and how telecommunications providers categorize customer complaints. One portion was moved unchanged and renumbered to PSC 165.0804.

A new section PSC 165.0301 was created to define and standardize the application process for new telecommunications service. One provision allows a provider to restrict an applicant's toll service for ten days to investigate and establish the applicant's responsibility for a disputed outstanding bill.

Section PSC 165.0302 sets forth the various types of information providers must make available to customers and the method and frequency of providing that information. The expansion of this section reflects the complexity of telecommunications services today and the need for customers to be given accurate and consistent information on a regular basis.

Section PSC 165.0303 on dispute procedures explains the utility and Commission processes available to customers for handling service inquiries or problems. Language was added to address disputes involving third party billing agents and modern payment methods. The proposed changes also clarify the Commission review and appeal processes.

A new section PSC 165.0304 is created to address the problem of "slamming" which is the unauthorized changing of a customer's telecommunications provider. This section incorporates the federal statutory requirements for making provider selection changes with only minor modifications to reflect Wisconsin drafting conventions.

A new section PSC 165.0305 on provider selection freezes is created to provide customers with a way to retain the telecommunications provider selected by the customer until the customer provides the required authorization for a change to another telecommunications provider. The proposed draft rule mirrors the federal rule except for minor modifications to reflect Wisconsin drafting conventions.

Section PSC 165.0306 on directories sets forth information and publication requirements for provider directory listings. The changes to this section update obsolete language and include

## **1-AC-184**

### **Attachment A**

an electronic format option. Providers may fulfill the requirements of this section by having the required information concerning itself and its customers included in the applicable directory of another provider that is meeting the requirements under this section.

A new section PSC 165.0307 is created to provide rules for the development of telecommunications assistance programs (TelCAP). The purpose of these programs is to increase or stabilize subscription levels for essential telephone service, or to address avoidance of disconnection of service to low-income households or other customers with payment problems. Ameritech is currently operating one such telecommunications plan under a pilot program approved by the Commission.

A new section PSC 165.0308 is created to expressly prohibit oppressive and deceptive practices. Similar language was incorporated into the revised service rules for electrical utilities, which became effective on August 1, 2000. This section is not intended to limit or usurp the Department of Agriculture, Trade and Consumer Protection's authority or powers under ch. 100 and related administrative rules.

Section PSC 165.0401 on customer billing sets forth the minimum standards for information to be included on customer bills. The proposed changes incorporate federal "Truth-in-Billing" language with the goal of making telecommunications bills easier for consumers to read and understand. A provision was added allowing providers to assess a late payment charge on residential and business bills. Ameritech is currently allowed to impose late payment charges as part of an ongoing TelCAP program approved by the Commission. This section also includes proposed language to compensate consumers for out-of-service situations, missed appointments and installation delays.

Section PSC 165.0402 on deposits for residential service explains the conditions under which a provider may request a deposit from a new or existing customer. New language defines the formula for calculating the deposit amount and requires a provider to explain why a deposit is required, and how the deposit amount was determined. A provision was added allowing a provider to accept advance payments or impose service restrictions in lieu of accepting a deposit from a residential customer.

A new section PSC 165.0403 is created to detail the conditions under which a provider may request a deposit from a business customer. Business deposits had been part of a general section on deposits. The proposed language allows a provider to request a deposit on an existing account, defines the formula for calculating the deposit amount and requires a provider to explain why a deposit is required, and how the deposit amount was determined. A provision was added allowing a provider to accept advance payments or impose service restrictions in lieu of accepting a deposit from a business customer.

Section PSC 165.0404 on deferred payment agreements outlines the details of payment plans provided to customers when they are unable to pay the amount owing in full. A provision allowing service restrictions during a deferred payment agreement has been incorporated into this section. Ameritech is currently allowed to impose such service restrictions as part of an ongoing TelCAP program approved by the Commission.

## **1-AC-184**

### **Attachment A**

A new section PSC 165.0501 on refusal of service is created to clarify the circumstances under which a provider can and cannot refuse initial service. Much of the language was previously included in “Disconnection and refusal of service” but was given its own section to specifically address situations involving the application process. Proposed language reflects current residency and identification issues. A provision was added allowing a provider to impose a toll restriction while investigating and establishing an applicant’s responsibility for an outstanding bill from the provider.

A new section PSC 165.0502 on restriction of service is created to define the conditions under which a telecommunications provider can restrict a customer’s service and the limitations on those restrictions. This section addresses both voluntary and involuntary service restrictions and codifies several provisions that are currently part of an ongoing TelCAP program approved by the Commission. Providers may now impose mandatory toll restriction and limit access to services such as third number and collect-call billing, pay-per-call and advanced calling features during a deferred payment agreement, in lieu of a deposit, and when an applicant for new service has an unpaid balance with the provider.

Section PSC 165.0503 on disconnection of service includes modifications that update and clarify current rule language. A major change to this section involves the addition of a provision prohibiting the disconnection of local service for non-payment of ECC or toll charges. Other changes include increasing the period of time allowed for bill payment and the receipt of disconnection notices, and the expansion of the provision on medical or protective service emergencies. The medical or protective service emergency provision is currently part of an ongoing TelCAP program approved by the Commission.

Section PSC 165.0606 on business office answering time standards defines acceptable performance levels for customer calls made in order to obtain information or transact business such as establishing service, changing service, making bill inquiries, or establishing payment arrangements. Language was included requiring providers to calculate and record average connection and answer speed data, but only if the provider uses a computerized call center to respond to customer calls.

**TEXT OF THE RULE**

SECTION 1. PSC 165.01(title) is renumbered PSC 165.0101(title).

SECTION 2. PSC 165.01(1) is renumbered PSC 165.0101(1)(b).

SECTION 3. PSC 165.01(2), (3), (4) and (5) are renumbered PSC 165.0101(1)(a), (2)(a), (3) and (4) and amended to read:

**PSC 165.0101(1)(a)** The rules making up ch. PSC 165 are designed to effectuate and implement ss. 196.02, 196.03, 196.06, 196.10, 196.12, 196.15, 196.16, 196.17, 196.19, 196.21, 196.219, 196.22, 196.60, 196.62, 196.625, 196.72 and parts of other sections of the Wisconsin statutes.

**(2)(a)** The requirements of ch. PSC 165 shall be observed by all telecommunications ~~public utilities providers~~ subject to the jurisdiction of the commission, as specified herein, except insofar as an exemption may be made by the commission as hereinafter mentioned. ~~Nothing herein shall preclude special and individual consideration being given to exceptional or unusual situations and upon due investigation of the facts and circumstances therein involved, the adoption of requirements as to individual utilities or services which shall be lesser, greater, other, or different than those provided in these rules and regulations.~~

**(3)** The manner of enforcing the rules in ch. PSC 165 is prescribed in s. 196.66, Stats., and such other means as provided in statutory sections administered by the ~~public service~~ commission.

**(4)** In case of emergency, where public interest requires immediate action without waiting for compliance with the specific terms of these rules, the rules shall not prevent immediate corrective action by the utility, which action, however, shall be subject to review by the ~~public service~~ commission.

SECTION 4. Subchapter I (title) [precedes s. PSC 165.0101] is created to read:

**Subchapter I - General**

SECTION 5. PSC 165.0101(1)(title) is created to read:

**PSC 165.0101(1) PURPOSE.**

SECTION 6. PSC 165.0101(2)(title) is created to read:

**PSC 165.0101(2) SCOPE AND EXCEPTION.**



**1-AC-184**  
**Attachment B**

SECTION 7. PSC 165.0101(2)(b) is created to read:

**PSC 165.0101(2)(b)** Nothing herein shall preclude special and individual consideration being given to exceptional or unusual situations and upon investigation of the facts and circumstances therein involved, the adoption of requirements as to individual telecommunications providers or services which shall be lesser, greater, other, or different than those provided in these rules and regulations.

SECTION 8. PSC 165.0101(3)(title) is created to read:

**PSC 165.0101(3)** ENFORCEMENT.

SECTION 9. PSC 165.0101(4)(title) is created to read:

**PSC 165.0101(4)** EMERGENCY ACTION.

SECTION 10. PSC 165.0102(1) is created to read:

**PSC 165.0102(1)** "Ability to Pay" means a customer's financial capacity to meet his or her payment obligation for telecommunications service.

SECTION 11. PSC 165.0102(8) is created to read:

**PSC 165.0102(8)** "Clear and conspicuous" means in a manner that would be readily apparent to a reasonable customer.

SECTION 12. PSC 165.0102(11) and (12) are created to read:

**PSC 165.0102(11)** "Complaint" means a statement by a person expressing a concern regarding a wrong, grievance, injury, dissatisfaction, illegal action or procedure, dangerous condition or action, or failure of a provider to meet provider obligations. The person expressing the concern may or may not be a customer.

**(12)** "Cramming" means the practice of causing unauthorized, misleading, or deceptive charges to be placed on a customer's bill for telecommunications service.

SECTION 13. PSC 165.0102(15), (16) and (17) are created to read:

**PSC 165.0102(15)** "Deniable charge" means a charge that, if not paid, may result in denial of service by the disconnection of a customer's basic local exchange service or standard business service. "Deniable charge" includes the charge for a customer's basic local exchange service or standard business service.

**1-AC-184**  
**Attachment B**

1           **(16)** "Disconnection" means a direct action by a provider that results in a customer no  
2 longer having access to a dial tone.

3           **(17)** "Dispute" means a disagreement between a person and a provider involving any  
4 aspect of the person's telecommunications service. The person raising the dispute may or may  
5 not be a customer.

6  
7  
8 SECTION 14. PSC 165.0102(19) is created to read:

9  
10 **PSC 165.0102(19)** "Full Service" means access to the local and toll network, including all  
11 features and services.

12  
13  
14 SECTION 15. PSC 165.0102(22) and (22m) are created to read:

15  
16 **PSC 165.0102(22)** "Installment payment agreement" means an arrangement between a provider  
17 and a customer for payment of a deposit or a service installation charge in installments over a  
18 span of time.

19           **(22m)** "Issue" or "issuing" or "issuance" means mailing, sending by a courier or delivery  
20 service, delivering in person, transmitting a copy by facsimile machine, e-mailing or, in the case  
21 of commission staff determinations, informing by telephone.

22  
23  
24 SECTION 16. PSC 165.0102(24) is created to read:

25  
26 **PSC 165.0102(24)** "Local telecommunications service" means those services and options listed  
27 in s. PSC 160.03(2)(a) that have fixed monthly rates, the estimated local usage under s. PSC  
28 160.03(2)(a)8, and optional services that are not non-utility merchandise under s. PSC 165.0803.

29  
30  
31 SECTION 17. PSC 165.0102(26) to (28) are created to read:

32  
33 **PSC 165.0102(26)** "New customer" means a service applicant that is not currently a customer.

34           **(27)** "Non-deniable charge" means a charge that, if not paid, may not result in denial of  
35 service by the disconnection of a customer's basic local exchange service or standard business  
36 service. "Non-deniable charge" includes but is not limited to the charge for telecommunications  
37 equipment, third-party billings, toll and services such as call waiting, caller ID, and 3-way  
38 calling.

39           **(28)** "Occupant" means any resident of a premises to which telecommunications service  
40 is provided.

41  
42  
43 SECTION 18. PSC 165.0102(30) to (32) are created to read:

44  
45 **PSC 165.0102(30)** "Prompt payment" means payment prior to the time when a provider could  
46 issue a notice of disconnection for nonpayment of an amount not in dispute.

**1-AC-184**  
**Attachment B**

(31) "Protective service emergency" means a threat to the health or safety of an occupant because of a mental or physical infirmity or frailty.

(32) "Provider":

(a)1. Means any telecommunications provider, except a commercial mobile radio service provider or a telecommunications carrier, that offers basic local exchange service, business lines or trunks, intrastate toll, or any combination thereof.

2. Means any telecommunications carrier that offers basic local exchange service on a resale basis, business lines or trunks, intrastate toll, or any combination thereof. Such a carrier is a provider only as to that portion of its business.

(b) Includes any cable television service provider as to the intrastate telecommunications service portion of its business.

SECTION 19. PSC 165.0102(34) is created to read:

**PSC 165.0102(34)** "Restricted service" means access to telecommunications services, or billing by third parties, or both, that has been limited by applying blocks, restrictions, or limits to a customer's usage.

SECTION 20. PSC 165.0102(36) and (37) are created to read:

**PSC 165.0102(36)** "Slamming" means a change in a customer's selection of provider of telecommunications service that was made without that customer's knowledge or explicit authorization.

(37) "Telecommunications provider" has the meaning set forth in s. 196.01(8p), Stats.

SECTION 21. PSC 165.0102(40) is created to read:

**PSC 165.0102(40)** "Termination of service" means a direct action taken by a provider to close a customer's account.

SECTION 22. PSC 165.0102(42) and (43) are created to read:

**PSC 165.0102(42)** "Toll" means any call beyond the local calling area. "Toll" does not include extended community calling and any extended area service.

(43) "Written" or "in writing" means legibly printed on paper or another tangible non-electronic medium, or, with the intended recipient's permission, legibly printed in an electronic form that the recipient can electronically retrieve, store, and print for future reference. Permission for electronic delivery of commission documents and communications is deemed granted.

SECTION 23. PSC 165.02(title), (intro.) and (1) to (5) are renumbered PSC 165.0102(title), (intro.) and (2) to (6).

**1-AC-184**  
**Attachment B**

SECTION 24. PSC 165.02(6) is repealed.

SECTION 25. PSC 165.02(7) and (8) are renumbered PSC 165.0102(7) and (9).

SECTION 26. PSC 165.02(9) and (10) are renumbered PSC 165.0102(10) and (13) and amended to read:

**PSC 165.0102(10)** "Commission" ~~has the meaning set forth in s. 196.01, Stats.~~ means the public service commission.

**(13)** "Customer ~~or subscriber~~" means ~~any a person, firm, partnership, corporation, municipality, cooperative organization, governmental agency, etc., provided with that currently~~ subscribes to any telecommunications service by any telecommunications utility, and includes those persons that have been disconnected for nonpayment but that have not been terminated from service.

SECTION 27. PSC 165.02(11) is renumbered PSC 165.0102(14) and amended to read:

**PSC 165.0102(14)** "Customer trouble report" means any oral or written report from a ~~subscriber~~ customer or user of telecommunications service relating to a physical defect or to difficulty or dissatisfaction with the operation of telecommunications facilities.

SECTION 28. PSC 165.02(12) and (13) are renumbered PSC 165.0102(18) and (20).

SECTION 29. PSC 165.02(14) is renumbered PSC 165.0102(21) and amended to read:

**PSC 165.0102(21)** "Held application" means a firm ~~but unfilled~~ application for new service or different class or grade of service which ~~has is not been~~ is not filled within 30 days.

SECTION 30. PSC 165.02(15) is renumbered PSC 165.0102(23).

SECTION 31. PSC 165.02(16) is repealed.

SECTION 32. PSC 165.02(17) is renumbered PSC 165.0102(25) and amended to read:

**PSC 165.0102(25)** "Network interface device (n.i.d.)" means a device that provides a discernible point of demarcation and interconnection between customer-provided facilities and the telecommunications ~~utility~~ network.

**1-AC-184**  
**Attachment B**

SECTION 33. PSC 165.02(18) to (20) are renumbered PSC 165.0102(29), (33), and (35).

SECTION 34. PSC 165.02(21) and (22) are renumbered PSC 165.0102(38) and (39) and amended to read:

**PSC 165.0102(38)** "Telecommunications service" has the meaning set forth in s. 196.01(9m), Stats.

**(39)** "Telecommunications utility" has the meaning set forth in s. 196.01(10), Stats.

SECTION 35. PSC 165.02(23) is renumbered PSC 165.0102(41).

SECTION 36. Subchapter II (title) [precedes s. PSC 165.0201] is created to read:

**Subchapter II - Reporting, Records and Schedules**

SECTION 37. PSC 165.0201 is created to read:

**PSC 165.0201 Preservation of records.** (1) The following records shall be preserved and kept accessible to the commission for the periods indicated. The list may not be a comprehensive list of all types of records that must be kept.

<u>Description of Records</u>	<u>Period to be Retained</u>
Answer and connection speed	3 years
Billing	3 years
Billing recording equipment malfunctions	2 years
Customer complaints	3 years
Customer deposit balance	3 years
Customer trouble reports	3 years
Disconnection contacts and contact attempts	Minimum of one billing cycle after proposed disconnection date
Malfunctions associated with incorrect ticketing information	2 years
Verification of provider selection change authorizations, including audio recordings of oral verifications	2 years

(2) The records necessary to provide the information required under s. PSC 165.0302(9) shall be preserved and kept accessible to the commission.

**Note:** Providers may wish or need to retain records longer due to proof requirements in s. PSC 165.0304(4)(e) or for use in the event of investigations or complaints under other provisions, such as ATCP 123.02.

**1-AC-184**  
**Attachment B**

SECTION 38. PSC 165.0202(1)(title) is created to read:

**PSC 165.0202(1) COMPLAINT INVESTIGATION.**

SECTION 39. PSC 165.0202(2) and (3) are created to read:

**PSC 165.0202(2) COMPLAINT RECORDS.** Each provider shall keep records of the complaints it receives according to the category of complaint involved. Categories shall include but are not limited to: billing disputes, disconnection issues, repair delays, service installation delays, slamming and cramming.

**(3) AVAILABILITY OF RECORDS.** Each provider shall maintain its complaint records for a period of at least 3 years and shall make its complaint records available to the commission upon request.

SECTION 40. PSC 165.0206(title) is created to read:

**PSC 165.0206 Customer trouble report records.**

SECTION 41. PSC 165.0210 is created to read:

**PSC 165.0210 Billing recording equipment malfunctions.** Where a utility uses mechanical or electronic means, or both, for recording information that will affect a customer's bill for local or toll service, or both, the utility shall keep records of malfunctions of such equipment. The retention period for such records shall be 2 years.

SECTION 42. Subchapter III (title) [precedes s. PSC 165.0301] is created to read:

**Subchapter III - Customer Service and Protection**

SECTION 43. PSC 165.0301 is created to read:

**PSC 165.0301 Application for service.** (1)(a) A provider may require that all new customers make a verbal or written application for service. Application may be made by telephone, in writing or in person. The provider shall have a written, non-discriminatory policy acceptable to the commission for requesting the application information allowed under par. (c). The policy shall be included in the provider's tariff or, if the provider is not required to file tariffs, filed with the commission, and shall be furnished to customers pursuant to ss. PSC 165.0302(7)(g) and 165.0302(8)(g).

**Note:** Under s. PSC 160.06(3), with each order for initial or moved residential service, local exchange service providers are required to inquire of a customer or applicant regarding his or her eligibility for low-income programs.

**1-AC-184**  
**Attachment B**

(b) When taking an application, the provider shall only require the applicant to provide the following:

1. Name of the customer.
2. Address of residence immediately prior to application.
3. Address where service is to be provided.
4. Mailing address if different from service address.
5. Previous telephone number, if applicable.
6. Name and address of person who will pay the bill, if different from the customer.

(c) The provider may request additional information from applicants as part of its application for service. Except as provided in sub. (e), service shall not be disconnected or refused for failure to provide any information other than that specified in par. (b).

(d) If additional information other than that under sub. (e) is requested, the provider shall indicate to the applicant that providing such information is optional.

(e) A provider may require verification of the identity or residency, or both, of an applicant for residential service at a premises where a bill from that provider for service provided within the previous 24 months remains unpaid.

1. 'Identity.' Any one of the items under subd. 1.a or any 2 of the items under subd. 1.b. shall constitute adequate verification of identity, although a provider may accept other forms of verification:

- a. Photo identification card, driver's license, U.S. military card, or passport.
- b. Social security card, birth certificate, or letter of identification from a social service agency or employer.

2. 'Residency.' Any one of the following items shall constitute adequate verification of residency, although a provider may accept other forms of verification: current utility bills, bank statements, rental agreements, verification of address provided by a social service agency, or mail including envelopes with a postmark for the time period in question.

(f) The provider may accept third party applications for service. The provider shall send bills and written confirmation of receipt of the service application to the party responsible for bill payment.

(g) If an application for residential service is accepted, the provider shall offer the option of an installment payment agreement on the service installation charge.

(2) A provider may not refuse service but may restrict an applicant's toll or extended community calling service, or both, for 10 days to investigate and establish the applicant's responsibility for any outstanding bill from the provider. The provider shall activate the restricted service after 10 days if it is not able to clearly establish the applicant's responsibility for the bill.

(3) If an applicant requests transfer of the telephone number assigned to the previous customer at the premises, the applicant may not be held responsible for any delinquent account of that previous customer.

(4) If an application for service is denied under this section, the provider shall advise the applicant of the reason for the denial. The provider shall also inform the applicant that the applicant can dispute the matter through the commission, and shall provide the commission's toll-free telephone number.

**1-AC-184**  
**Attachment B**

SECTION 44. PSC 165.0302(1) is created to read:

**PSC 165.0302(1)** A provider shall: (a) Keep on file, and provide public access to, a copy of ch. PSC 165 and a schedule of all rates and service charges and any rules, terms, and conditions that apply.

(b) Provide, upon request and at no cost to the customer, one copy of ch. PSC 165, all rates and service charges that apply to the customer's usage, and any rules, terms, and conditions that apply to the customer's usage.

(c) Give customers annual notice, on their bill or as an insert, and in the directory, as to where the foregoing information is available and that they may receive this information at no cost.

(d) Provide, upon request and at no cost to an applicant, one copy of ch. PSC 165, any rates or service charges, and any rules, terms, and conditions regarding the service or level of service the applicant is requesting. A reasonable fee may be charged to provide this information to persons who are neither customers nor applicants for service.

SECTION 45. PSC 165.0302(2)(b) to (e) are created to read:

**PSC 165.0302(2)(b)** The lowest basic monthly service charge for the class of service requested.

(c) All nonrecurring charges applicable to services ordered.

(d) The range of basic monthly rates, including any call allowance and charge for additional usage associated with such service. The monthly rates quoted for basic service may not include any additional, optional service features.

(e) That intralata and interlata toll services are available and may be obtained from a number of competitive providers.

SECTION 46. PSC 165.0302(6) to (9) are created to read:

**PSC 165.0302(6)** No provider may furnish or bill for any service or feature in addition to basic monthly service unless all of the following have been met:

(a) The provider has informed the customer that such service or feature is optional in nature and is available as an individual service or feature, separate from service "packages".

(b) The provider has informed the customer of the additional rates and charges for such service or feature.

(c) The customer has authorized the additional service or feature.

**(7)** Each provider shall furnish all of the following in writing to all new residential customers and annually to its existing residential customers. The following shall be furnished on customer bills, as a bill insert, or as a separate mailing.

(a) Definitions of all charges, fees and taxes appearing on the billing statement.

(b) An explanation of extended area service and extended community calling, and information on how a list of extended area service and extended community calling exchanges can be obtained.

(c) An accurate description of its deposit rules.

(d) An accurate description of available payment options, including deferred payment agreements.



**1-AC-184**  
**Attachment B**

- 1 (e) An accurate description of its disconnection and dispute procedures.  
2 (f) An accurate description of the service restrictions available to customers, and the  
3 limitations of those restrictions.  
4 (g) A copy of the provider's non-discriminatory policies regarding voluntary and  
5 involuntary service restrictions, residential deposits, and requesting supplemental application  
6 information under s. PSC 165.0301(1)(c).  
7 (h) Information regarding the availability of universal service programs, including  
8 program benefits, eligibility requirements and application procedures.  
9 (i) Information regarding its customer assistance program as implemented under  
10 s. PSC 160.08 or PSC 165.0307, or both.

11 **(8)** Each provider shall furnish all of the following in writing to all new business  
12 customers and annually to its existing business customers. The following shall be furnished on  
13 customer bills, as a bill insert, or as a separate mailing:

- 14 (a) Definitions of all charges, fees and taxes appearing on the billing statement.  
15 (b) An explanation of extended area service and extended community calling, and  
16 information on how a list of extended area service and extended community calling exchanges  
17 can be obtained.  
18 (c) An accurate description of its deposit rules.  
19 (d) An accurate description of available payment options, including deferred payment  
20 agreements.

21 (e) An accurate description of its disconnection and dispute procedures.  
22 (f) An accurate description of the service restrictions available to customers, and the  
23 limitations of those restrictions.

24 (g) A copy of the provider's non-discriminatory policies regarding voluntary and  
25 involuntary service restrictions, business deposits, and requesting supplemental application  
26 information under s. PSC 165.0301(1)(c).

27 **(9)** A provider shall give customers, on request, a statement identifying the monthly local  
28 and toll balances for the previous 12 months; provider selections and dates of any changes; and  
29 dates of bill issuance and payment. The customer shall be entitled to one statement annually.  
30 Additional statements shall be furnished if the provider's reasonable costs of preparing and  
31 furnishing the statement are paid.

32  
33  
34 SECTION 47. PSC 165.0303(1)(b) is created to read:

35  
36 **PSC 165.0303(1)(b)** Regularly advise the customer of the status of the investigation.  
37  
38

39 SECTION 48. PSC 165.0303(2) to (4) are created to read:

40  
41 **PSC 165.0303(2)** Where a provider designates an agent to handle disputes, inquiries or  
42 collections, the resolution responsibility imposed under sub. (1) reverts to the provider if the  
43 agent fails to adequately address the dispute or inquiry.

44 **(3)** Where payments for telecommunications service are made electronically or through  
45 vendors, credit cards, or other third parties, the resolution responsibility imposed under sub. (1)  
46 rests with the provider of that telecommunications service.

**1-AC-184**  
**Attachment B**

1           (4)(a) If the provider has not resolved the dispute or answered the inquiry to the  
2 customer's satisfaction within a reasonable period of time, the provider shall inform the customer  
3 of the right to request review by the commission staff and shall furnish the commission's toll-  
4 free number.

5           (b) The provider shall designate employees for responding to commission complaints or  
6 inquiries who are readily available and have appropriate and sufficient authority to investigate  
7 and resolve concerns raised by the commission and its staff. Providers shall promptly inform the  
8 commission of any changes in these designations. A provider shall respond to commission  
9 staff's request for an investigation by contacting the complainant within 48 hours for most  
10 circumstances, or 4 hours in the case of an emergency, and by providing a response to the  
11 commission within 10 business days.

12           (c) Based on the information provided by the provider and the complainant, commission  
13 staff shall make a determination concerning the dispute and issue notice of the determination to  
14 both parties by telephone. Either party to the dispute may request and receive the commission  
15 staff determination and justification in writing.

16           (d) The provider may not disconnect service until after the later of:  
17           1. The end of the notice period under s. PSC 165.0503(5)(a).  
18           2. Five days after the date the commission staff issues notice of the determination  
19 resulting from its review.  
20  
21

22 SECTION 49. PSC 165.0303(5)(b) and (6) are created to read:  
23

24 **PSC 165.0303(5)(b)** Commission staff shall prepare a memorandum based on the information it  
25 has received from the provider and the complainant. A copy of the commission staff's  
26 memorandum shall be issued to the parties to the dispute. Parties shall be given at least 10 days  
27 to file a response to the commission staff's memorandum. The commission's determination shall  
28 be based on a review of the commission staff's memorandum and any responses filed by the  
29 parties to the dispute. The commission shall issue a written determination not less than 15 days  
30 or more than 45 days from the time that a request for commission review is filed.  
31

32           (6) Either party to the complaint may request that the commission reconsider its  
33 determination under this section. Such requests shall be governed by s. 227.49, Stats., including  
34 provisions on filing deadlines, disposition deadlines, and allowable bases for granting  
35 reconsideration. Such requests shall be filed with the commission within 20 days of the issuance  
36 of the commission's determination. The commission may review and reaffirm its original  
37 decision, issue a new decision, or decide to hold a hearing on the matter for the gathering of  
38 additional information.  
39  
40

41 SECTION 50. PSC 165.0303(7)(b) is created to read:  
42

43 **PSC 165.0303(7)(b)** Upon consideration of the facts and circumstances involved, commission  
44 staff may waive the par. (a) no disconnect and no refusal requirement under exceptional or  
45 unusual circumstances.  
46  
47

**1-AC-184**  
**Attachment B**

SECTION 51. PSC 165.0304 and 165.0305 are created to read:

**PSC 165.0304 Provider selection changes. (1) DEFINITIONS.** For purposes of this section:

(a) “Authorized change” means a change in a customer’s selection of a provider that was made with the customer’s authorization verified in accordance with the procedures specified in sub. (2).

(b) “Authorized provider” means any provider that submits a change on behalf of a customer in the customer’s selection of a provider with the customer’s authorization verified in accordance with the procedures specified in sub. (2).

(c) “Customer” means the person identified in the account records of a provider as responsible for payment of the telephone bill, any adult individual authorized by such person to change telecommunications services or to charge services to the account, and any person contractually or otherwise lawfully authorized to represent the person identified as responsible for the bill.

(d) “Executing provider” means any provider that effects a request that a customer’s provider be changed. A provider may be treated as an executing provider if it is responsible for any unreasonable delays in the execution of provider changes or for the execution of unauthorized provider changes, including fraudulent authorizations.

(e) “Provider selection freeze” or “freeze” means a directive from a customer to retain the provider selected by the customer until the customer provides the required authorization for a change to another provider.

(f) “Submitting provider” means any provider that requests on behalf of a customer that the customer’s provider be changed, and seeks to provide retail services to the end user customer. A provider may be treated as a submitting provider if it is responsible for any unreasonable delays in the submission of provider change requests or for the submission of unauthorized provider change requests, including fraudulent authorizations.

(g) “Third party” means a person that verifies a customer’s oral provider selection change order, but does not include any of the following:

1. The customer authorizing a provider selection change, or the customer’s agent.
2. The submitting provider.
3. The submitting provider’s marketing agent.
4. Any person that is owned, managed, controlled, or directed by the submitting provider or the submitting provider’s marketing agent.
5. Any person that has any financial incentive to confirm provider selection change orders for the submitting provider or the submitting provider’s marketing agent.
6. Any person that operates in a location that is not physically separate from the submitting provider or the submitting provider’s marketing agent.

(h) “Unauthorized change” means a change in a customer’s selection of a provider that was made without the customer’s authorization verified in accordance with the procedures specified in sub. (2).

(i) “Unauthorized provider” means any provider that submits a change on behalf of a customer in the customer’s selection of a provider but fails to obtain the customer’s authorization verified in accordance with the procedures specified in sub. (2).

(j) “Written authorization” means a signed authorization that is legibly printed on paper or another tangible non-electronic medium; or, with the customer’s permission, legibly printed in an electronic form that can be electronically retrieved, stored, and printed for future reference, and that includes an electronic signature that meets the requirements of s. 137.06, Stats.

**1-AC-184**  
**Attachment B**

(2) VERIFICATION OF ORDERS FOR TELECOMMUNICATIONS SERVICE. (a) No provider may submit or execute a change on behalf of a customer in the customer's selection of a provider except in accordance with the procedures prescribed in this subsection.

1. No submitting provider may submit a change on behalf of a customer in the customer's selection of a provider prior to obtaining all of the following:

a. Authorization from the customer.

b. Verification of that authorization in accordance with the procedures prescribed in this subsection.

2. The submitting provider shall maintain and preserve records of verification of customer authorization for at least 2 years after obtaining such verification.

**Note:** Providers may wish or need to retain records longer due to the proof requirements in sub. (4)(e) or for use in the event of investigations or complaints under other provisions, such as s. ATCP 123.02.

3. An executing provider may not verify the submission of a change in the customer's selection of a provider received from a submitting provider. For an executing provider, compliance with the procedures described in this part shall be defined as prompt execution, without any unreasonable delay, of changes that have been verified by a submitting provider.

(b) Where a provider is selling more than one type of telecommunications service (e.g., local, intralata/intrastate toll, interlata/interstate toll, and international toll) that provider shall obtain separate authorization from the customer for each service sold, although the authorizations may be made within the same solicitation. Each service included in a bundled offering is considered a separate service. Each authorization shall be verified separately from any other authorizations obtained in the same solicitation. Each authorization shall be verified in accordance with the verification procedures prescribed in this subsection.

(c) No provider may submit a provider change order until the order has been confirmed in accordance with one of the following procedures:

1. The provider has obtained the customer's written authorization in a form that meets the requirements of 47 CFR 64.1130.

2. The provider has obtained the customer's telephonic authorization to submit the provider change order. Such authorization shall be placed from the telephone number on which the provider is to be changed and shall confirm the information in par. (a)1. Providers electing to confirm sales telephonically shall establish one or more toll-free telephone numbers exclusively for that purpose. Calls to such a number shall connect a customer to a voice response unit, or similar mechanism, that records the required information regarding the provider change, including automatically recording the originating automatic number identification.

3. An appropriately qualified independent third party has obtained the customer's oral authorization to submit the provider change order that confirms the authorization and includes appropriate verification data, such as the customer's date of birth or social security number. The customer's oral authorization shall be obtained in accordance with the following procedures:

a. Automated third party verification systems and three-way conference calls may be used for verification purposes so long as the requirements of subds. 3.b. to 3.d. are satisfied.

b. A provider or a provider's sales representative initiating a three-way conference call or a call through an automated verification system must drop off the call once the three-way connection has been established.

c. All third-party verification methods shall elicit, at a minimum, the identity of the customer; confirmation that the person on the call is authorized to make the provider change; confirmation that the person on the call wants to make the provider change; the names of the

**1-AC-184**  
**Attachment B**

providers affected by the change; the telephone number to be switched; and the type of service involved. Third party verifiers may not market the provider's services by providing additional information, including information regarding provider selection freeze procedures.

d. All third party verifications shall be conducted in the same language that was used in the underlying sales transaction and shall be recorded in their entirety. In accordance with the procedures set forth in par. (a)2., submitting providers shall maintain and preserve audio records of verification of customer authorization for a minimum period of 2 years after obtaining such verification. Automated systems must provide customers with an option to speak with a live person at any time during the call.

(d) If a provider offers an electronically signed authorization and verification procedure under par. (c)1. the provider shall also offer customers the option of using at least one of the other authorization and verification procedures specified in par. (c).

(e) Procedures under this subsection do not preempt and are in addition to any requirements under ch. ATPC 123.

**(3) LIABILITY FOR UNAUTHORIZED CHANGES.** (a) *Provider liability for charges.* 1. A submitting provider that fails to comply with the procedures prescribed in this section shall be liable to the customer's properly authorized provider in an amount equal to 150% of all charges paid to the submitting provider by such customer after such violation, as well as for additional amounts as prescribed in sub. (6).

2. An unauthorized provider shall be liable for any charge to change the customer to the unauthorized provider and to return the customer to his or her properly authorized provider.

3. The remedies provided under this section do not preempt and are in addition to any other remedies as available by law.

(b) *Customer liability for charges.* Any customer whose selection of provider is changed without authorization verified in accordance with the procedures set forth in sub. (2) is liable for charges as follows:

1. If the customer has not already paid charges to the unauthorized provider, the customer is absolved of liability for charges imposed by the unauthorized provider for service provided during the first 30 days after the unauthorized change. Upon being informed by a customer that an unauthorized charge has occurred, the authorized provider, the unauthorized provider, or the executing provider shall inform the customer of this 30-day absolution period. Any charges imposed by the unauthorized provider on the customer for service provided after this 30-day period shall be paid by the customer to the authorized provider at the rates the customer was paying to the authorized provider at the time of the unauthorized change in accordance with the provisions of sub. (5)(f).

2. If the customer has already paid charges to the unauthorized provider, and the authorized provider receives payment from the unauthorized provider as provided for in par. (a), the authorized provider shall refund or credit to the customer any amounts determined in accordance with the provisions of sub. (6)(c).

**(4) PROCEDURES FOR RESOLUTION OF ALLEGEDLY UNAUTHORIZED PROVIDER CHANGES.**

(a) *Notification of allegedly unauthorized provider change.* Executing providers who are informed by a customer of an allegedly unauthorized provider change shall immediately notify both the authorized and allegedly unauthorized provider of the incident. This notification shall include the identity of both providers.

(b) *Resolution of complaint.* Any provider, authorized or allegedly unauthorized, that is informed by a customer or an executing provider of an allegedly unauthorized provider change shall attempt to resolve the complaint.

**1-AC-184**  
**Attachment B**

1 (c) *Referral of complaint.* Any provider, executing, authorized, or allegedly  
2 unauthorized, that is aware of an unresolved complaint involving an allegedly unauthorized  
3 provider change shall direct that customer to the commission for resolution of the complaint.

4 (d) *Notification of receipt of complaint.* Upon receipt of an unauthorized provider change  
5 complaint, the commission shall notify the allegedly unauthorized provider of the complaint and  
6 order that the provider remove all unpaid charges from the customer's bill, if it has not already  
7 done so, pending a determination of whether an unauthorized change has occurred.

8 (e) *Proof of verification.* The allegedly unauthorized provider shall provide any valid  
9 proof of verification of the provider change to the commission not more than 30 days after  
10 notification by the commission of the complaint. This proof of verification shall contain clear  
11 and convincing evidence of a valid authorized provider change. The commission shall determine  
12 whether an unauthorized change has occurred using such proof and any evidence supplied by the  
13 customer. Failure by the provider to respond or provide proof of verification shall be presumed  
14 to be clear and convincing evidence of a violation.

15 **(5) ABSOLUTION PROCEDURES WHERE THE CUSTOMER HAS NOT PAID THE CHARGES.**

16 (a) This subsection shall only apply after a customer has determined that an unauthorized  
17 change has occurred and if the customer has not paid charges to the allegedly unauthorized  
18 provider for service provided during the first 30 days, or a portion thereof, after the allegedly  
19 unauthorized change occurred.

20 (b) An allegedly unauthorized provider shall remove from a customer's bill all charges  
21 incurred for service provided during the first 30 days after the allegedly unauthorized change  
22 occurred, upon notification that such unauthorized change is alleged to have occurred.

23 (c) An allegedly unauthorized provider may challenge a customer's allegation that an  
24 unauthorized change occurred. An allegedly unauthorized provider choosing to challenge such  
25 allegation shall immediately notify the complaining customer of all of the following:

26 1. That the complaining customer must file a complaint with the commission within 30  
27 days of either the date of removal of charges from the complaining customer's bill in accordance  
28 with par. (b), or the date the allegedly unauthorized provider notifies the complaining customer  
29 of the requirements of this paragraph, whichever is later.

30 2. That a failure to file such a complaint within this 30-day time period shall result in the  
31 charges removed pursuant to par. (b) being reinstated on the customer's bill and, consequently,  
32 that the complaining customer shall only be entitled to remedies for the allegedly unauthorized  
33 change other than those provided for in sub. (3)(b)1.

34 (d) An allegedly unauthorized provider may not reinstate charges to a customer's bill  
35 without first providing the customer with a reasonable opportunity to demonstrate that the  
36 complaint was filed within the 30-day period as described in par. (c)1.

37 (e) If commission staff determines, after reasonable investigation, that an unauthorized  
38 change has occurred, a written determination shall be issued to the customer, the unauthorized  
39 provider, and the authorized provider. The written determination shall state that the customer is  
40 entitled to absolution from the charges incurred during the first 30 days after the unauthorized  
41 provider change occurred. Neither the authorized nor unauthorized provider may pursue any  
42 collection against the customer for those charges. Such a determination may be appealed to the  
43 commission.

44 (f) If the customer has incurred charges for more than 30 days after the unauthorized  
45 provider change, the unauthorized provider shall forward the billing information for such  
46 services to the authorized provider, which may bill the customer for such services using either of  
47 the following means:

**1-AC-184**  
**Attachment B**

1           1. The amount of the charge may be determined by a re-rating of the services provided  
2 based on what the authorized provider would have charged the customer for the same services  
3 had an unauthorized charge not occurred.

4           2. The amount of the charge may be determined using a 50% proxy rate as follows: Upon  
5 receipt of billing information from the unauthorized provider, the authorized provider may bill  
6 the customer for 50% of the rate the unauthorized provider would have charged the customer for  
7 the services provided. However, the customer shall have the right to reject use of this 50% proxy  
8 method and require that the authorized provider perform a re-rating of the services provided, as  
9 described in subd. 1.

10           (g) If the unauthorized provider received payment from the customer for services  
11 provided after the first 30 days after the unauthorized change occurred, the obligations for  
12 payments and refunds as described in this section shall apply to those payments.

13           (h) If the commission staff determines, after reasonable investigation, that the provider  
14 change was authorized, a written determination shall be issued to the customer and to the  
15 providers involved. The written determination shall state that the customer may be re-billed for  
16 charges incurred. Such a determination may be appealed to the commission.

17           **(6) REIMBURSEMENT PROCEDURES WHERE THE CUSTOMER HAS PAID THE CHARGES.** (a) The  
18 procedures in this subsection shall only apply after a customer has determined that an  
19 unauthorized change has occurred and the customer has paid charges to an allegedly  
20 unauthorized provider.

21           (b) If the commission staff determines, after reasonable investigation, that an  
22 unauthorized change has occurred, it shall issue a written determination to the customer, the  
23 unauthorized provider, and the authorized provider. Such a determination may be appealed to  
24 the commission. The written determination shall direct the unauthorized provider to forward all  
25 of the following to the authorized provider:

26           1. An amount equal to 150% of all charges paid by the customer to the unauthorized  
27 provider.

28           2. Copies of any telephone bills issued from the unauthorized provider to the customer.

29           (c) Within 10 days of receipt of the amount provided for in par. (b)1., the authorized  
30 provider shall provide a refund or credit to the customer in the amount of 50% of all charges paid  
31 by the customer to the unauthorized provider. The customer may ask the authorized provider to  
32 re-rate the unauthorized provider's charges based on the rates of the authorized provider and, on  
33 behalf of the customer, seek an additional refund from the unauthorized provider, to the extent  
34 that the re-rated amount exceeds 50% of all charges paid by the customer to the unauthorized  
35 provider. The authorized provider shall send notice to the commission that it has given a refund  
36 or credit to the customer.

37           (d) If an authorized provider incurs billing and collection expenses in collecting charges  
38 from the unauthorized provider, the unauthorized provider shall reimburse the authorized  
39 provider for reasonable expenses.

40           (e) If the authorized provider has not received payment from the unauthorized provider as  
41 required by par. (c), the authorized provider is not required to provide any refund or credit to the  
42 customer. The authorized provider shall, within 45 days of receiving a written determination  
43 under par. (b), inform the customer and the commission if the unauthorized provider has failed to  
44 forward to it the appropriate charges, and also inform the customer of his or her right to pursue a  
45 claim against the unauthorized provider.

46           (f) Where possible, the authorized provider shall reinstate the customer in any premium  
47 program in which that customer was enrolled prior to the unauthorized change, if the customer's

**1-AC-184**  
**Attachment B**

1 participation in that program was terminated because of the unauthorized change. If the  
2 customer has paid charges to the unauthorized provider, the authorized provider shall also  
3 provide or restore to the customer any premiums to which the customer would have been entitled  
4 had the unauthorized change not occurred. The authorized provider shall comply with the  
5 requirements of this paragraph regardless of whether it is able to recover from the unauthorized  
6 provider any charges that were paid by the customer.

**PSC 165.0305 Provider selection freezes. (1) DEFINITIONS.** In this section:

9 (a) “Customer” means the person identified in the account records of a provider as  
10 responsible for payment of the telephone bill, any adult individual authorized by such person to  
11 authorize or lift a provider selection freeze or to change providers, and any other person  
12 contractually or otherwise lawfully authorized to represent the person identified as responsible  
13 for the bill.

14 (b) “Provider selection freeze” or “freeze” means a directive from a customer to retain the  
15 provider selected by the customer until the customer provides the required authorization for a  
16 change to another provider.

17 (c) “Submitting provider” means any provider that requests on behalf of a customer that  
18 the customer’s provider be changed, and seeks to provide retail services to the end user  
19 customer. A provider may be treated as a submitting provider if it is responsible for any  
20 unreasonable delays in the submission of provider change requests or for the submission of  
21 unauthorized provider change requests, including fraudulent authorizations.

22 (d) “Third party” means a person that verifies a customer’s oral authorization to submit a  
23 provider selection freeze, but does not include any of the following:

- 24 1. The customer authorizing a provider selection freeze, or the customer’s agent.
- 25 2. The submitting provider.
- 26 3. The submitting provider’s marketing agent.
- 27 4. Any person that is owned, managed, controlled, or directed by the submitting provider  
28 or the submitting provider’s marketing agent.
- 29 5. Any person that has any financial incentive to confirm provider selection freeze orders  
30 for the submitting provider or the submitting provider’s marketing agent.
- 31 6. Any person that operates in a location that is not physically separate from the  
32 submitting provider or the submitting provider’s marketing agent.

33 (e) “Written authorization” means a signed authorization that is legibly printed on paper  
34 or another tangible non-electronic medium; or, with the customer’s permission, legibly printed in  
35 an electronic form that can be electronically retrieved, stored, and printed for future reference,  
36 and that includes an electronic signature that meets the requirements of s. 137.06, Stats.

37 **(2) NONDISCRIMINATORY OFFERING REQUIREMENT.** Any provider who offers provider  
38 selection freezes shall offer them on a nondiscriminatory basis to all customers, regardless of the  
39 customer’s provider selections.

40 **(3) SERVICE DIFFERENTIATION.** (a) Any provider who offers a provider selection freeze  
41 shall, to the extent technologically feasible, unbundle that offering so that a customer can request  
42 a freeze for different services (e.g. local, intralata/interstate toll, interlata/interstate toll, and  
43 international toll). Provider selection freeze procedures, including any solicitation, must clearly  
44 distinguish among telecommunications services subject to a freeze. Each service included in a  
45 bundled offering is considered a separate service.

46 (b) The provider offering the freeze shall obtain separate authorization for each service  
47 for which a provider selection freeze is requested.



**1-AC-184**  
**Attachment B**

1           **(4) SOLICITATION AND IMPOSITION OF PROVIDER SELECTION FREEZES.** (a) Except as  
2 provided in sub. (5), all provider supplied solicitation and other materials regarding provider  
3 selection freezes shall include all of the following:

4           1. An explanation, in clear and neutral language, of what a provider selection freeze is  
5 and what services may be subject to a freeze.

6           2. A description of the specific procedures necessary to lift a provider selection freeze.

7           3. An explanation that these steps are in addition to the verification rules in s. PSC  
8 165.0304(2) and 47 CFR 64.1130 for changing a customer's provider selection.

9           4. An explanation that the customer will be unable to make a change in provider selection  
10 unless the customer lifts the freeze.

11           5. An explanation of any charges associated with the provider selection freeze.

12           **(b)** No provider may implement a provider selection freeze unless the customer's request  
13 to impose a freeze has first been confirmed in accordance with one of the following procedures:

14           1. The provider has obtained the customer's written authorization in a form that meets the  
15 requirements of par. (c).

16           2. The provider has obtained the customer's telephonic authorization to impose a  
17 provider selection freeze. Such authorization shall be placed from the telephone number on  
18 which the provider selection freeze is to be imposed. The telephonic authorization shall confirm  
19 appropriate verification data (e.g., the customer's date of birth or social security number) and the  
20 information required in par. (c)2.a. to d. Providers electing to confirm provider selection freeze  
21 orders telephonically shall establish one or more toll-free telephone numbers exclusively for that  
22 purpose. Calls to such a number shall connect a customer to a voice response unit, or similar  
23 mechanism, that records the required information regarding the provider selection freeze request,  
24 including automatically recording the originating automatic numbering identification.

25           3. An appropriately qualified independent third party has obtained the customer's oral  
26 authorization to submit the provider selection freeze and confirmed the appropriate verification  
27 data (e.g., the customer's date of birth or social security number) and the information required in  
28 par. (c)2.a. to d. The content of the verification must include clear and conspicuous confirmation  
29 that the customer has authorized a provider selection freeze.

30           **(c)** Written authorization that does not conform with this paragraph is invalid and may  
31 not be used to impose a provider selection freeze.

32           1. The written authorization shall comply with 47 CFR 64.1130(b), (c), and (h).

33           2. At a minimum, the written authorization shall be in a readable type of sufficient size to  
34 be clearly legible and shall contain clear and unambiguous language that confirms all of the  
35 following:

36           a. The customer's billing name and address and the telephone number to be covered by  
37 the provider selection freeze.

38           b. The decision to place a provider selection freeze on the telephone number and  
39 particular service. The authorization shall contain separate statements regarding the particular  
40 services to be frozen.

41           c. That the customer understands that he or she will be unable to make a change in  
42 provider selection unless he or she lifts the provider selection freeze.

43           d. That the customer understands that any provider selection freeze may involve a charge  
44 to the customer.

45           **(5) PROVIDER SELECTION FREEZE NOTICE.** After a customer has requested a provider  
46 selection freeze, the provider shall give all of the following to that customer:

**1-AC-184**  
**Attachment B**

(a) Written confirmation that the customer's freeze has been placed on the customer's account and to which service the freeze applies.

(b) A written explanation of the freeze, including information regarding the provider's procedures to lift the freeze.

(c) At least twice per year, in bills or other written documents sent directly to the customer, information indicating that a freeze applies and to which service it applies.

**(6) PROCEDURES FOR LIFTING PROVIDER SELECTION FREEZES.** All providers who offer provider selection freezes shall, at a minimum, offer customers all of the following procedures for lifting a provider selection freeze:

(a) A customer's written authorization stating his or her intent to lift a provider selection freeze.

(b) A customer's oral authorization stating his or her intent to lift a provider selection freeze. The provider shall offer a mechanism that allows a submitting provider to conduct a three-way conference call among itself, the provider administering the freeze, and a customer in order to lift a freeze. When engaged in oral authorization to lift a provider selection freeze, the provider administering the freeze shall confirm appropriate verification data (e.g., the customer's date of birth or social security number) and the customer's intent to lift the particular freeze.

SECTION 52. PSC 165.0306(4)(a)1. to 6. and (b) are created to read:

**PSC 165.0306(4)(a)1.** A warning that placing nuisance calls is prohibited by law (s. 947.012, Stats.)

2. A list of common emergency numbers.

3. Information on how a list of local calling areas can be obtained.

4. Information on how, pursuant to s. PSC 165.0302(1), a copy of ch. PSC 165, a schedule of rates and service charges, and applicable rules, terms and conditions can be obtained.

5. For every exchange in which a provider serves, the repair service number that can be called at no charge to report a service problem.

6. Instructions concerning the use of local, extended-area, extended community calling and toll service.

(b) The emergency numbers shall appear either on the inner or outer face of the front cover, or on the first page inside the front cover.

SECTION 53. PSC 165.0306(7) and (8) are created to read:

**PSC 165.0306(7)** A provider may fulfill the requirements under subs. (1) to (6) by having the required information concerning itself and its customers included in the applicable directory of another provider that is meeting the requirements under subs. (1) to (6).

**(8)** If the listed number of any customer is in error and is not assigned to another customer, the provider shall intercept all calls to the listed number, so long as the customer's correct number is within the control of the provider, until a correct directory listing is published. If there is an error or omission in the name listing of a customer, the customer's correct name and telephone number shall be in the files of the publishing provider's directory assistance operators, and the correct number shall be furnished to a calling party upon request.

**1-AC-184**  
**Attachment B**

SECTION 54. PSC 165.0307 and 165.0308 are created to read:

**PSC 165.0307 Telecommunications assistance programs.** (1) Where the commission has identified a specific target population, providers shall establish telecommunications customer assistance programs within their service territories. The goals and objectives of the programs shall be to increase or stabilize subscription levels for non-optional essential telephone service, or to address avoidance of disconnection of service to low-income households or other customers with payment problems, or both.

(2) Each provider shall develop and file with the commission a description of its program. The description shall be updated as necessary and shall include:

- (a) A description of the program's services and features.
- (b) A description of program eligibility.
- (c) A description of program evaluation procedures.
- (d) Policies and procedures for identifying customers who qualify for Lifeline or Link-Up America assistance and for aiding them in applying for assistance.

**PSC 165.0308 Oppressive and deceptive practices prohibited.** (1) A provider shall not engage in any oppressive or deceptive practices.

(2) "Oppressive or deceptive practices" include, but are not limited to, the following:

- (a) Using or threatening to use force or violence to cause physical harm to the person, dependents, or property of the customer.
- (b) Threatening criminal prosecution without merit or authority.
- (c) Initiating or threatening to initiate communications with the customer's employer except as permitted by statute.
- (d) Engaging in any conduct that can reasonably be expected to threaten or harass a customer.
- (e) Claiming or attempting to claim to enforce a right, with knowledge or reason to know that the right does not exist.
- (f) Using obscene, threatening, or abusive language in communicating with a customer or a person related to a customer.
- (g) Unfairly taking advantage of the lack of knowledge, ability, experience or capacity of a customer.
- (h) A practice that would have the natural effect of reasonably causing or aid in causing customers to misunderstand the true nature of the transaction or their rights and duties thereunder.
- (i) Having the terms of a transaction require customers to waive legal rights.

(3) This section does not preempt and is in addition to applicable provisions of ch. 100, Stats., and related administrative rules.

SECTION 55. PSC 165.031 is repealed.

SECTION 56. PSC 165.032(title), (intro.), and (1) to (5) are renumbered PSC 165.0203(title), (intro.), and (1) to (5).

**1-AC-184**  
**Attachment B**

SECTION 57. PSC 165.032(6) and (7) are renumbered PSC 165.0203(6) and (7) and amended to read:

**PSC 165.0203(6)** Rules governing the establishment or re-establishment of service including credit requirements. (See ~~s. ss.~~ PSC 165.052 165.0501 and 165.0503.)

**(7)** Rules governing the procedure followed in disconnecting and reconnecting service. (See ~~s. ss.~~ PSC 165.054 165.0402 and 165.0403.)

SECTION 58. PSC 165.032(8) and (9) are renumbered PSC 165.0203(8) and (9).

SECTION 59. PSC 165.033, 165.034 and 165.04 are renumbered PSC 165.0204, 165.0205 and 165.0207.

SECTION 60. Subchapter IV (title) [precedes s. PSC 165.0401] is created to read:

**Subchapter IV - Billing and Payment**

SECTION 61. PSC 165.0401(1) to (9) and (10)(title) are created to read:

**PSC 165.0401(1) DEFINITIONS.** For purposes of this section, “third party” means a person that is billing for goods or services, or both, using a telephone bill, but does not include the provider directly furnishing the telephone bill.

**(2) BILLING INTERVAL.** Telephone bills shall be provided in writing on a monthly basis, or at a less frequent interval with the customer’s approval if available and offered by the provider.

**(3) INFORMATION INCLUDED ON BILLS.** Bills to customers shall contain, at a minimum, the information included in subs. (3) to (11) and shall be provided at no cost. Charges may not be imposed for additional bill detail provided in the event of a dispute. Bills shall include:

(a) The customer’s name, address, and telephone number to which the charges apply.

(b) Basic local exchange service or standard business service charges.

(c) The number of completed local calls made.

(d) Itemized optional calling features and calling packages, and their corresponding prices.

(e) Itemized non-utility services, including but not limited to internet access, voice mail, and customer premises equipment.

(f) Federal and state taxes.

(g) Other charges allowed or required to be listed separately by the commission or by the federal communications commission, such as 911, primary interexchange carrier charges and other similar charges.

**(4) BILL ORGANIZATION.** Telephone bills shall be clearly organized and shall comply with all of the following requirements:

(a) The name of the provider associated with each charge shall be clearly identified on the telephone bill.

**1-AC-184**  
**Attachment B**

(b) Where charges for 2 or more providers appear on the same telephone bill, the charges shall be separated by provider. The bill shall provide clear and conspicuous notification of any change in provider, including notification that a new provider has begun providing service. The notification should describe the nature of the relationship with the customer, including a description of whether the new provider is the presubscribed local exchange carrier, intralata toll provider, or interlata toll provider. "New provider" means any provider that has not billed for services within the past 6 months

(5) DESCRIPTIONS OF BILLED CHARGES. Charges contained on telephone bills shall be accompanied by a brief, clear and conspicuous, unambiguous, plain language description of the service or product provided, so that the customer can determine that the bill accurately reflects that which the customer requested and received, and that the prices assessed for those services or products conform to the customer's understanding of the prices to be charged.

(6) DENIABLE AND NON-DENIABLE CHARGES. Where a bill contains charges for basic local exchange service or standard business service, in addition to other charges, the bill shall distinguish between deniable charges and non-deniable charges. The provider shall explain this distinction to the customer, and shall clearly and conspicuously identify non-deniable charges on the bill.

(7) DISCLOSURE OF INFORMATION AND CONTACTS. (a) Telephone bills shall contain a clear and conspicuous statement informing customers that they may dispute charges prior to payment.

(b) Telephone bills shall contain clear and conspicuous disclosure of any information that the customer may need to make inquiries about, or dispute, charges on-the bill. Providers shall prominently display on each bill a toll-free number by which customers may inquire about or dispute any charge contained on the bill. Each provider shall make its business address available upon request to customers through its toll-free number.

(c) A provider may list a toll-free number for a billing agent, clearinghouse or other entity, provided that such entity possesses sufficient information to answer questions concerning the customer's account and is fully authorized to resolve customer complaints on the provider's behalf. The billing agent, clearinghouse or other entity shall make its business address available upon request to customers through its toll-free number.

(8) EXTENDED COMMUNITY CALLING. For extended community calling, bills shall include the telephone number that was called, the duration of the call, the dollar amount of the call, the month and date on which the call was placed, and the time of day the call was placed.

(9) DIRECTORY ASSISTANCE CALLS. For directory assistance calls, bills shall include the telephone number that was requested, the price of the directory assistance service, and the month and date on which the number was requested.

(10) CREDIT CARD CALLS.

SECTION 62. PSC 165.0401(11)(title) and (intro.) are created to read:

**PSC 165.0401(11) TOLL BILLINGS.** Toll bills shall contain, at a minimum, all of the following information:

SECTION 63. PSC 165.0401(12) to (18) are created to read:

**PSC 165.0401(12) BILLING DETAIL.** Customers shall be offered billing in accordance with

**1-AC-184**  
**Attachment B**

subs. (3) to (11), but may request and, notwithstanding subs. (3) to (11), may receive a less detailed listing of charges if offered by the provider.

**(13) PARTIAL PAYMENTS.** Except as provided in s. PSC 165.0404(9), any partial payments received shall first be applied to the customer's current deniable charges with the remaining portion applied to the customer's current non-deniable charges.

**(14) LATE PAYMENT CHARGES.** A provider may assess a late payment charge on a bill for residential or business service. If assessed, such charges shall comply with the following requirements:

(a) The amount of the late payment charge may not exceed 1% of the bill.

(b) The late payment charge may be applied to non-disputed delinquent amounts, including unpaid late payment charges. It may not be applied to the unpaid portion of an amount covered by an installment payment agreement, if payments are being made in accordance with that agreement.

(c) If a customer disputes a bill and does not pay the disputed bill in full by its due date, the late payment charge may be applied only to that portion of the disputed bill that is later found to be correct and payable to the provider, and that is not part of a deferred payment agreement.

**(15) REMOVAL OF DISPUTED CHARGES.** A provider shall remove third-party, non-utility charges from its current bill if a customer disputes the charges by contacting the provider within 60 days of the billing of the disputed charge. The provider shall advise the customer that collection efforts may occur despite the credit and shall provide the names, mailing addresses, and business telephone numbers of the vendor and providing carrier, as applicable, that are the subject of the disputed third-party, non-utility charge. The provider is not required to make the disclosure concerning collection efforts if the vendor, its agent, or the providing carrier, as applicable, will not collect or attempt to collect the disputed charge.

**(16) OUT-OF-SERVICE ADJUSTMENTS.** (a) Except as provided in par. (b), when a customer's service is interrupted and remains out of service for more than 24 consecutive hours after being reported to the provider or after being found by the provider to be out of service, whichever occurs first, the provider shall make an adjustment to the customer's account in accordance with par. (d). Computation of such adjustments shall apply to all charges for basic and regulated optional local services rendered inoperative. The length of such service interruption shall be computed on a continuous basis, with Saturdays, Sundays, and holidays included.

(b) No adjustment under par. (a) is required if the service interruption is caused by any of the following:

1. The negligence of or a willful act by the customer.

2. Customer premises equipment or wiring not covered by a provider's optional inside wiring maintenance plan.

3. Natural disasters or other acts of God that cannot be reasonably anticipated or controlled, armed conflict, or the failure of third parties, such as suppliers and subcontractors, to perform their obligations to the contracting provider unless the failure to perform could have been avoided by the exercise of due care.

(c) A provider may not apply an exception under par. (b), unless all of the following have occurred:

1. The provider has substantiated and documented to the commission the occurrence upon which the exception is to be based.

2. The commission has formally accepted the occurrence as an unforeseeable operating condition.

**1-AC-184**  
**Attachment B**

(d) If a service interruption exceeds 24 hours but is less than 48 hours, the adjustment shall be at least the pro-rata portion of the monthly charge for any basic and regulated optional local services rendered inoperative during the interruption. Adjustments for longer interruptions shall be tiered as follows:

1. If a service interruption equals or exceeds 48 hours but is less than 72 hours, the adjustment shall be at least one-third of one month's charges for any basic and regulated optional local services rendered inoperative.

2. If a service interruption equals or exceeds 72 hours but is less than 96 hours, the adjustment shall be at least two-thirds of one month's charges for any basic and regulated optional local services rendered inoperative.

3. If a service interruption equals 96 hours, the adjustment shall be at least one month's charges for any basic and regulated optional local services rendered inoperative.

4. If a service interruption exceeds 96 hours, the adjustment shall include both of the following:

a. At least one month's charges for any basic and regulated optional local services rendered inoperative.

b. At least one-third of one month's charges for each 24-hour period, or portion thereof, over 96 hours.

(e) Credits under par. (d) shall stop accruing if and when the provider furnishes a wireless phone to the customer, at no charge except toll, until the provider can restore service.

(f) For purposes of this subsection, the length of the service interruption shall not be extended by the provider's inability to gain access to the customer's premises, if necessary, due to the customer missing a repair appointment or the customer causing the provider to reschedule the appointment. In such instance, the provider shall leave instructions for the customer on how to reschedule the appointment. The length of the service interruption shall be extended if the rescheduling of a repair appointment is due to the provider missing such an appointment.

**(17) INSTALLATION DELAY ADJUSTMENTS.** (a) A provider shall waive all applicable installation charges for a customer if the provider fails to install service on or before the performance deadline specified in pars. (b) or (c).

(b) If distribution facilities are in place between the feeder cable and the customer's premises, the performance deadline shall be:

1. Five business days if there is no customer requested installation date.

2. Five business days if an installation date beyond 5 business days is proposed by the provider, without first being requested by the customer.

3. The date initially requested by the customer, if at least 5 business days' notice is given and the requested date is a business day.

(c) If distribution facilities are not in place between the feeder cable and the customer's premises, the performance deadline shall be:

1. Twenty business days if there is no customer requested installation date.

2. Twenty business days if an installation date beyond 20 business days is proposed by the provider, without first being requested by the customer.

3. The date initially requested by the customer, if at least 20 business days' notice is given and the requested date is a business day.

(d) For additional delays of more than one business day beyond the performance deadline specified in pars. (b) or (c), the provider shall provide the credit under par. (a) and shall also credit the customer's account as follows:

**1-AC-184**  
**Attachment B**

1           1. If the installation occurs more than one business day but less than 20 business days  
2 beyond the performance deadline, at least an additional \$20 per access line per business day that  
3 is more than one business day beyond the performance deadline.

4           2. If the installation occurs 20 or more business days beyond the performance deadline, at  
5 least an additional \$20 per access line per business day that is more than one but less than 20  
6 business days beyond the performance deadline, and at least \$30 per access line per business day  
7 that is 20 or more business days beyond the performance deadline.

8           (e) Credits under par. (d) shall stop accruing if and when the provider furnishes a wireless  
9 phone to the customer, at no charge except toll, until the provider can perform the installation.

10          (f) For purposes of this subsection, the length of the installation delay interval shall not be  
11 extended by the provider's inability to gain access to the customer's premises, if necessary, due  
12 to the customer missing an installation appointment or the customer causing the provider to  
13 reschedule the appointment. In such instance, the provider shall leave instructions for the  
14 customer on how to reschedule the appointment. The length of the installation delay interval  
15 shall be extended if the rescheduling of an installation appointment is due to the provider missing  
16 such an appointment.

17          **(18) MISSED APPOINTMENT ADJUSTMENTS.** (a) If it is necessary to enter the customer's  
18 premises to diagnose or complete a repair or complete an installation of a network interface  
19 device or service-drop connection, the provider shall arrange an appointment with the customer.  
20 Such appointment shall specify a 4-hour maximum period of time for the premises visit. If the  
21 provider is unable to keep the appointment, the provider shall inform the customer, and shall  
22 advise the customer of options to reschedule the appointment for a time agreeable to the  
23 customer. Such rescheduling of an appointment shall not relieve the provider from other  
24 requirements of this chapter, including adjustments under subs. (16) and (17).

25          (b) If the provider misses any 4-hour appointment window without at least 24 hours prior  
26 notification, the bill adjustment for each missed appointment shall be \$25 for a residential  
27 customer and \$100 for a business customer with less than 20 access lines. If the provider misses  
28 any appointment that had previously been rescheduled due to provider inability to keep the  
29 appointment, regardless of notification, the credit adjustment for each missed appointment shall  
30 be \$25 for a residential customer and \$100 for a business customer with less than 20 access lines.

31  
32  
33 SECTION 64. PSC 165.0402(1) and (2)(title) are created to read:

34  
35 **PSC 165.0402(1) DEPOSIT POLICY.** In order to request deposits, a provider shall have a written,  
36 non-discriminatory policy acceptable to the commission regarding residential service deposits.  
37 The policy shall be included in the provider's tariff or, if the provider is not required to file  
38 tariffs, filed with the commission, and furnished to applicants and customers pursuant to s. PSC  
39 165.0302(7)(g).

40  
41 **Note:** Pursuant to s. PSC 160.062(6), a provider may not request a deposit from an applicant or customer  
42 eligible for Lifeline or Linkup America assistance if such applicant or customer voluntarily elects toll  
43 blocking.

44  
45 **(2) DEPOSITS ON NEW ACCOUNTS.**  
46  
47  
48



**1-AC-184**  
**Attachment B**

SECTION 65. PSC 165.0402(2)(a)1. and 2., (b) and (3)(title) are created to read:

**PSC 165.0402(2)(a)1.** Accrued, in whole or in part, within the last 6 years.

2. Is not in dispute at the time of the request for new service.

(b) The applicant shall have the right to pay the deposit under an installment payment agreement, and to receive service while paying the deposit according to the terms of such agreement. The agreement shall provide for a reasonable number of equitable payments. The agreement may not impose interest on the amount covered by the agreement and may not apply a late payment charge to such amount if payments are made in accordance with the agreement.

**(3) DEPOSITS ON EXISTING ACCOUNTS.**

SECTION 66. PSC 165.0402(3)(b) and (c) are created to read:

**PSC 165.0402(3)(b)** When the provider requests a deposit of an existing residential customer, the customer shall be given at least 30 days to provide the deposit, or to establish an installment payment agreement on the deposit. During the 30 or more day period, the provider shall continue to provide service to the customer. The agreement shall provide for a reasonable number of equitable payments. The agreement may not impose interest on the amount covered by the agreement and may not apply a late payment charge to such amount if payments are made in accordance with the agreement.

(c) The service of any customer who fails to comply with the requirement in par. (b) may be disconnected upon 10 days written notice as provided in s. PSC 165.0503.

SECTION 67. PSC 165.0402(4) and (5) are created to read:

**PSC 165.0402(4) ADVANCE PAYMENTS.** The provider may accept advance payments in place of a deposit.

**(5) SERVICE RESTRICTION OR BLOCK.** The provider may accept a restriction or block of a customer's toll service, extended community calling, other optional per call service, or any combination thereof, in place of a deposit.

SECTION 68. PSC 165.0402(6)(a) is created to read:

**PSC 165.0402(6)(a)** If the provider bills for local telecommunications service only, the maximum deposit for a new or existing account may not exceed the bill for 2 months' local telecommunications service.

SECTION 69. PSC 165.0402(6)(c) and (d) are created to read:

**PSC 165.0402(6)(c)** If the provider bills for both local and toll service, the maximum deposit may not exceed the combined charges for the applicable services listed below. Where actual

**1-AC-184**  
**Attachment B**

amounts are not available for subd. 2. and 3., estimated amounts may be used to calculate the deposit.

1. Two months' local telecommunications service.

2. The highest actual intralata toll charges for 2 months within the preceding 12 months.

3. The highest actual interlata toll charges for 2 months within the preceding 12 months.

(d) Where intralata and interlata toll services are delivered by the same provider, one deposit may be collected for both services.

**Note:** If only one deposit is collected pursuant to par. (d), the provider is not required to account for interlata and intralata deposits separately.

SECTION 70. PSC 165.0402(8)(title) is created to read:

**PSC 165.0402(8) APPLICATION OF DEPOSIT.**

SECTION 71. PSC 165.0402(9)(title) and (a) are created to read:

**PSC165.0402(9) DEPOSIT REFUND.** (a) A deposit and accrued interest, or a deposit substitute under sub. (4) or (5), shall be refunded or ended, as applicable, after 12 consecutive months of prompt payment.

SECTION 72. PSC 165.0403 is created to read:

**PSC 165.0403 Deposits for business service. (1) DEPOSIT POLICY.** In order to request deposits, a provider shall have a written, non-discriminatory policy acceptable to the commission regarding business service deposits. The policy shall be included in the provider's tariff or, if the provider is not required to file tariffs, filed with the commission, and shall be furnished to customers pursuant to s. PSC 165.0302(8)(g).

**(2) DEPOSITS ON NEW ACCOUNTS.** (a) If the credit of an applicant for business service has not been established satisfactorily to the provider, the applicant may be required to provide a deposit or guarantee.

(b) The applicant shall have the right to pay the deposit under an installment payment agreement, and to receive service while paying the deposit according to the terms of such agreement. The agreement shall provide for a reasonable number of equitable payments. The agreement may not impose interest on the amount covered by the agreement and may not apply a late payment charge to such amount if payments are made in accordance with the agreement.

**(3) DEPOSITS ON EXISTING ACCOUNTS.** (a) A provider may require an existing business customer to furnish or increase a deposit or guarantee as a condition of continued service only if one or more of the following apply:

1. Within the last 12 months, the customer has not paid a bill from the provider or made other acceptable payment arrangements by the end of the monthly billing cycle in which the bill is issued.

2. Usage indicates that the amount of the existing deposit or guarantee is insufficient.

(b) When the provider requests a deposit or guarantee of an existing business customer, the customer shall be given at least 20 days to provide the deposit or guarantee, or to establish an

**1-AC-184**  
**Attachment B**

installment payment agreement on the deposit. During the 20 or more day period, the provider shall continue to provide service to the customer. The agreement shall provide for a reasonable number of equitable payments. The agreement may not impose interest on the amount covered by the agreement and may not apply a late payment charge to such amount if payments are made in accordance with the agreement.

(c) The service of any customer who fails to comply with the requirements in par. (b) may be disconnected upon 10 days written notice as provided in PSC 165.0503.

(4) ADVANCE PAYMENTS. The provider may accept advance payments in place of a deposit.

(5) SERVICE RESTRICTION OR BLOCK. The provider may accept a restriction or block of a customer's toll service, extended community calling, other optional per-call services, or any combination thereof, in place of a deposit.

(6) GUARANTEE. The provider may accept a guarantee under sub. (12) in place of a deposit.

(7) CALCULATION OF DEPOSIT. (a) If the provider bills for local telecommunications service only, the maximum deposit for a new or existing account may not exceed the bill for 2 months' local telecommunications service.

(b) If the provider bills for toll service only, the maximum deposit for a new account may not exceed the bill for 2 months' estimated toll charges. The maximum deposit for an existing account may not exceed the highest actual toll charges for 2 months within the preceding 12 months.

(c) If the provider bills for both local and toll service, the maximum deposit may not exceed the combined charges for the applicable services listed below. Where actual amounts are not available for subd. 2. and 3., estimated amounts may be used to calculate the deposit.

1. Two months' local telecommunications service.

2. The highest actual intralata toll charges for 2 months within the preceding 12 months.

3. The highest actual interlata toll charges for 2 months within the preceding 12 months.

(d) Where intralata and interlata toll services are delivered by the same provider, one deposit may be collected for both services.

**Note:** If only one deposit is collected pursuant to par. (d), the provider is not required to account for interlata and intralata deposits separately.

(8) INTEREST. (a) Interest shall accrue on deposits from the date a deposit is paid in full to the date it is applied to an account balance or is refunded. The provider is not obligated to pay interest on deposits held less than 60 days.

(b) The interest rate to be paid shall be subject to change annually on a calendar year basis. The commission shall determine the rate of interest to be paid on deposits held during the following calendar year and notify providers of that rate by December 15 of each year. The rate shall be equal to the weekly average yield of one-year United States treasury securities, adjusted for constant maturity, for the week ending on or after December 1, as made available by the federal reserve board, rounded to the nearest tenth of one percent.

(c) Providers shall calculate the interest earned on each deposit at the time it is applied to the account balance or is refunded, and at the end of each calendar year. The interest rate in a calendar year shall apply to the amount of the deposit, and to all interest accrued during the previous year, for the fraction of the calendar year that the deposit was held.

**1-AC-184**  
**Attachment B**

1           **(9) APPLICATION OF DEPOSIT.** (a) A deposit may be used by the provider to satisfy an  
2 arrearage. Except as provided in sub. (7)(d), a deposit may only be applied to charges for the  
3 specific service for which it was collected under sub. (7).

4           (b) If the provider deducts an arrearage from a customer-deposit, it may require the  
5 customer to bring the deposit up to its original amount. The customer's failure to do so by the  
6 provider's deadline is grounds for disconnection under s. PSC 165.0503. The provider's  
7 deadline shall be at least 20 days after the provider's mailing of a written request for payment,  
8 mailed as a bill insert or separately from the customer's regular bill.

9           **(10) DEPOSIT REFUND.** (a) A deposit and accrued interest, or a deposit substitute under  
10 subs. (4) to (6), shall be refunded or ended, as applicable, after 12 consecutive months of prompt  
11 payment.

12           (b) Except as provided in par. (c), a deposit and any accrued interest shall be refunded by  
13 check unless both the customer and the provider agree to a credit on the bill.

14           (c) Upon termination of service, the deposit and any accrued interest shall be credited to  
15 the final bill and the balance shall be refunded promptly.

16           **(11) FAILURE TO PAY.** Service may be disconnected or refused for failure to pay a  
17 deposit, subject to the rules pertaining to disconnection under s. PSC 165.0503 and refusal of  
18 service under s. PSC 165.0501.

19           **(12) GUARANTEE TERMS AND CONDITIONS.** (a) The amount of a guarantee may not exceed  
20 the cash deposit requirement. The term of such contract shall be for no longer than 12 months,  
21 but shall automatically terminate after the customer has closed the account with the provider, or  
22 at the guarantor's request upon 30 days' written notice to the provider.

23           (b) Upon reasonable written notice, mailed as a bill insert or separately from the  
24 customer's regular bill, a provider may require an existing customer to provide a deposit, or a  
25 new or additional guarantee, if either of the following conditions is met:

26               1. An existing guarantee contract is terminated.

27               2. The provider finds an existing guarantee to be insufficient as to surety.

28           **(13) EXPLANATION OF DEPOSIT OR GUARANTEE.** A provider requiring a customer or  
29 applicant to pay a deposit or guarantee shall explain, in writing if requested, why the deposit or  
30 guarantee is required and how the amount was determined.

31  
32  
33 **SECTION 73.** Notes [following PSC 165.0404(1)] and PSC s. 165.0404(2) are created to read:

34  
35           **Note:** Under s. PSC 165.0102(13), "customer" includes persons that have been disconnected for  
36 nonpayment but that have not been terminated from service.

37  
38           **Note:** Under s. PSC 165.0502(3)(a)2., service restriction can be a condition of a deferred payment  
39 agreement.

40  
41           **(2)** A provider shall offer a deferred payment agreement to an applicant for new  
42 residential service who has an outstanding account with that provider.

43  
44  
45 **SECTION 74.** PSC 165.0404(4)(f) is created to read:

46  
47 **PSC 165.0404(4)(f)** Household size, income and expenses.

**1-AC-184**  
**Attachment B**

SECTION 75. PSC 165.0404(5)(a) and (b) are created to read:

**PSC 165.0404(5)(a)** A provider shall communicate the following points to a customer when making a deferred payment agreement:

1. You do not have to accept this agreement if you are not satisfied with it.
2. You have the right to suggest a different payment agreement.
3. If you and the provider cannot agree on terms, you can ask the commission to review the disputed issues.
4. If you accept the agreement, you agree that you owe the amount due under the agreement.

(b) A provider shall give written confirmation of a deferred payment agreement upon customer request. The commission may require a provider to use written deferred payment agreements.

SECTION 76. PSC 165.0404(6) is created to read:

**PSC 165.0404(6)** A delinquent amount covered by a deferred payment agreement shall not accrue interest, nor shall it be subject to a late payment charge if payments are made in accordance with the agreement.

SECTION 77. PSC 165.0404(8) and (9) are created to read:

**PSC 165.0404(8)** Payments made in accordance with a deferred payment agreement shall include full payment of the provider's current monthly bill and an agreed upon portion of the total arrearage.

(9) Any payments made under a deferred payment agreement shall be applied to the customer's account as follows:

(a) If a payment is made that matches the required payment under the agreement, the payment shall be applied according to the terms of the agreement.

(b) If a payment is made that is greater than the required payment under the agreement, the portion of the payment that is greater than the payment required under the agreement shall be applied to the arrearage.

(c) If a payment is made that is less than the required payment under the agreement, the payment shall be applied in the following order:

1. Current deniable charges.
2. Current deferred payment agreement.
3. Current non-deniable charges.

SECTION 78. PSC 165.041 is renumbered PSC 165.0405.

**1-AC-184**  
**Attachment B**

SECTION 79. PSC 165.042 is renumbered PSC 165.0406 and amended to read:

**PSC 165.0406 Billing recording equipment.** Where mechanical ~~and/or~~ or electronic means, or both, are used for recording information that will affect a customer's bill for local ~~and/or~~ or toll service, or both, such equipment shall be inspected when assigned and periodically on a sampling basis to see that it is functioning properly and accurately. ~~The utilities shall keep records of malfunctions. The retention period for such records shall be 2 years.~~

**Note:** Under PSC 165.0210, utilities must keep records of malfunctions of such equipment for 2 years.

SECTION 80. PSC 165.043(title) is renumbered PSC 165.0302(title).

SECTION 81. PSC 165.043(1), (2) and (3) are repealed.

SECTION 82. PSC 165.043(4)(intro.) is renumbered PSC 165.0302(2)(intro.) and amended to read:

**PSC 165.0302(2)** All applicants, upon applying for new telecommunications service, shall as at a minimum, be informed by the utility as herein described provider of the following items, in this order and at the beginning of the sales script:

SECTION 83. PSC 165.043(4)(a) is repealed.

SECTION 84. PSC 165.043(4)(b) is renumbered PSC 165.0302(2)(a) and amended to read:

**PSC 165.0302(2)(a)** ~~Applicants shall be informed of the~~ The basic exchange services or standard business services that are available and ~~given a description of the general service types services.~~ The telecommunications utility shall inform the customer of the range of monthly rates which applies to these services and, if either the high rated or low rated service is a measured service, of the call allowance and charge for additional usage associated with such service. The monthly rates which are quoted for basic services shall be without inclusion of rates for any additional, optional service features.

SECTION 85. PSC 165.043(4)(c)(intro.) is repealed.

SECTION 86. PSC 165.043(4)(c)1. is renumbered PSC 165.0302(5) and amended to read:

**PSC 165.0302(5)** ~~The utilities shall make~~ The provider may give information about customer premises equipment and non-regulated repair services that it offers, provided that it makes a general statement that customer premises equipment and nonregulated repair services is are

**1-AC-184**  
**Attachment B**

1 available and may be obtained from a number of competitive providers ~~and need not be obtained~~  
2 ~~from the utility.~~

3  
4  
5 SECTION 87. PSC 165.043(4)(c)2. and (d) are repealed.

6  
7  
8 SECTION 88. PSC 165.043(4)(e) and (f) are renumbered PSC 165.0302(3) and (4) and amended  
9 to read:

10  
11 **PSC 165.0302(3)** Information described in ~~pars. (a) to (d)~~ sub. (2) shall be provided in writing  
12 ~~when written telecommunications service applications are used or when requested by customers~~  
13 ~~in other, nonwritten, requests for telecommunications~~ upon application for service and upon  
14 request.

15 (4) ~~Rate~~ Upon request, rate information for ~~additional other available~~ services offered by  
16 ~~the utility shall be available upon request~~ and features shall be provided.

17  
18  
19 SECTION 89. PSC 165.043(5) is repealed.

20  
21  
22 SECTION 90. PSC 165.05(title) is renumbered PSC 196.0401(title).

23  
24  
25 SECTION 91. PSC 165.05(1)(intro.) is repealed.

26  
27  
28 SECTION 92. PSC 165.05(1)(a) and (b) are renumbered PSC 165.0401(11)(a) and (b) and  
29 amended to read:

30  
31 **PSC 165.0401(11)(a)** The type of ~~long distance toll~~ toll call. This information will specify whether  
32 the call is operator-assisted, direct-dialed, third-number billed, credit card, collect, or any other  
33 type.

34 (b) The class of ~~long distance toll~~ toll call. This information will specify whether the call is  
35 person-to-person or station-to-station.

36  
37  
38 SECTION 93. PSC 165.05(1)(c)(intro.) is repealed.

39  
40  
41 SECTION 94. PSC 165.05(1)(c)1. is renumbered PSC 165.0401(11)(c).

42  
43  
44 SECTION 95. PSC 165.05(1)(c)2. is renumbered PSC 165.0401(11)(d) and amended to read:

45  
46 **PSC 165.0401(11)(d)** The exchange from which the call originated for credit card, enterprise,  
47 third number, and collect calls only.

**1-AC-184**  
**Attachment B**

SECTION 96. PSC 165.05(1)(c)3. is renumbered PSC 165.0401(11)(e).

SECTION 97. PSC 165.05(1)(c)4. is renumbered PSC 165.0401(11)(f) and amended to read:

**PSC 165.0401(11)(f)** The duration of the call in billable ~~minutes~~ time increments. If the call is billed at a rate other than a per-minute rate, the per-minute price of the call shall also be provided.

SECTION 98. PSC 165.05(1)(c)5. to 7. are renumbered PSC 165.0401(11)(g) to (i).

SECTION 99. PSC 165.05(1)(c)8. and (d) are renumbered PSC 165.0401(11)(j) and (10) and amended to read:

**PSC 165.0401(11)(j)** The name of the ~~carrier over which the call was placed~~ toll provider.

**(10)** ~~Credit~~ For credit card calls ~~will~~, calls shall be listed separately and a separate subtotal of the billed amount, including taxes, ~~will~~ shall be included on the ~~customer portion of the long distance telephone bill.~~

SECTION 100. PSC 165.05(2) is repealed.

SECTION 101. Subchapter V (title) [precedes s. PSC 165.0501] is created to read:

**Subchapter V - Refusal, Restriction and Disconnection of Service**

SECTION 102. PSC 165.0501 and 165.0502 are created to read:

**PSC 165.0501 Refusal of service. (1) REASONS FOR REFUSAL.** Service may only be refused for one of the following reasons:

(a) Failure to pay a delinquent account or establish a deferred payment agreement under s. PSC 165.0404.

(b) Failure to pay or establish a deferred payment agreement under s. PSC 165.0404 for service received by a previous customer at the premises to be served, if the previous customer continues to be an occupant of the premises.

(c) Failure to comply with deposit or guarantee arrangements under s. PSC 165.0402 or PSC 165.0403, or failure to accept a restriction of toll service, extended community calling or other optional per-call services in place of a deposit under s. PSC 165.0402(5) or PSC 165.0403(5).

(d) Failure to provide adequate verification of identity or residency, or both, under s. PSC 165.0301(1)(e).

(e) Failure to provide information under s. PSC 165.0301(1)(b).



**1-AC-184**  
**Attachment B**

(f) Failure to comply with an applicable Wisconsin statute, commission rule or order, or authorized tariff.

(2) PROHIBITIONS AGAINST REFUSAL. Notwithstanding sub. (1), service may not be refused for any of the following reasons:

(a) Nonpayment of an account delinquent for over 6 months where collection efforts have not been made within that time period. This period shall be extended where passage of additional time results from other provisions herein or arrangements made with the customer.

(b) Delinquency in payment for service received by a previous customer at the premises to be served, unless the previous customer continues to be an occupant of the premises.

(c) Failure to pay the account of another customer as guarantor thereof.

(d) Failure to pay for charges for non-utility merchandising activities, as defined in s. PSC 165.0803(1), billed by the provider.

(e) Failure to pay for a different class of service.

(f) Failure to pay delinquent extended community calling charges.

(g) Failure to pay a delinquent toll account billed by the provider, unless that provider is also the customer's toll service provider for the bill in question.

(h) A disputed matter that is being pursued in accordance with s. PSC 165.0303.

(i) During the up to 10 days when a provider is investigating and establishing an applicant's responsibility for any outstanding bill from the provider pursuant to s. PSC 165.0301(2).

**Note:** Although service cannot be refused under par. (i) above, restricted service may be imposed during this time under PSC s. 165.0502(3)(a)8.

(j) Nonpayment of a bill from a prior account in the customer's name, even if it has since been transferred to the customer's current account, unless the provider notifies the customer in writing of the delinquent bill. The notice shall include:

1. The name and address of the customer at the time the service was provided.
2. The telephone number to which the charges apply.
3. The time period during which the service was provided.
4. An indication of what portion of the charges are deniable and what portion are non-deniable.

**Note:** Under s. PSC 165.0503(4), a provider may not refuse to reconnect service for a residential premises if the service is essential due to an existing medical or protective service emergency.

**PSC 165.0502 Restriction of service. (1) DEFINITIONS.** For purposes of this section, "third party" means a person that is billing for goods or services, or both, using a telephone bill, but does not include the provider directly furnishing the telephone bill.

(2) GENERAL. (a) Restricted service shall be provided upon request or may be imposed as provided in this section.

(b) The services that may be restricted, limited or blocked include, but are not limited to: toll calls, extended community calling, calling card, collect call, pay-per-call, directory assistance, and billing by third parties.

(c) Notwithstanding par. (b), a provider may not restrict, limit or block any essential service, as defined in s. PSC 160.03, other than those specifically listed in par. (b).

(d) A provider shall have a written, non-discriminatory policy acceptable to the commission regarding restricted service. The policy shall be included in the provider's tariff or,

**1-AC-184**  
**Attachment B**

1 if the provider is not required to file tariffs, filed with the commission, and furnished to  
2 customers pursuant to ss. PSC 165.0302(7)(g) and 165.0302(8)(g).

3 **(3) INVOLUNTARY SERVICE RESTRICTIONS.** (a) A provider may impose restricted service  
4 under any of the following circumstances:

5 1. When a customer's payment pattern results in an increasing arrearage or a continuing  
6 significant arrearage.

7 2. As a condition of a deferred payment agreement under s. PSC 165.0404.

8 3. Failure to comply with a deferred payment agreement under s. PSC 165.0404.

9 4. When an applicant for new service has an unpaid balance with the provider.

10 5. When a current occupant of the premises has an unpaid balance with the provider.

11  
12 **Note:** The unpaid balance in subd. 4. and 5. could include charges from both the provider issuing the bill  
13 and third parties.

14  
15 6. Failure to comply with a deposit requirement as specified in s. PSC 165.0402 or s. PSC  
16 165.0403.

17 7. If an applicant or customer misrepresents his or her identity or credit standing, or fails  
18 to provide positive identification if required.

19 8. During the up to 10 days when a provider is investigating and establishing a  
20 customer's responsibility for any outstanding bill from the provider under s. PSC 165.0301(2).

21 9. Other circumstances as authorized by the commission.

22 (b) A provider shall impose restricted service related to only the service or usage that is  
23 causing bill-paying problems.

24 (c) If a provider imposes restricted service under par. (a)2., the restricted service shall be  
25 activated within 2 business days of the establishment of the deferred payment agreement.

26 (d) A provider shall notify the customer of any involuntary service restriction within one  
27 business day of activation. The notice shall include identification of the service being restricted,  
28 the reason under par. (a) for the restriction, and the information in par. (e).

29 (e) Service restrictions imposed under par. (a) shall be removed within 2 business days  
30 when the circumstances that prompted the restriction have been corrected.

31 (f) There shall be no charge for the activation and deactivation of an involuntary service  
32 restriction.

33 **(4) VOLUNTARY SERVICE RESTRICTIONS.** (a) A provider shall activate restricted service at  
34 the customer's request if it is technically feasible to restrict the specific service for which a  
35 restriction is requested and will not present an unreasonable economic burden. Restricted service  
36 shall be activated within 2 business days of the customer's request.

37 (b) If a provider bills charges for third parties, it shall offer a block of all billing by third  
38 parties and a block of billing by any individual third party named by the customer if it is  
39 technically feasible to do so and will not present an unreasonable economic burden.

40 (c) The activation and deactivation of a voluntary service restriction shall be without  
41 recurring or nonrecurring charge to low-income customers as defined in s. PSC 160.02(8), and at  
42 no charge other than for second and subsequent service activation and deactivation orders for  
43 other residential and standard business line customers.

44 **(5) LIABILITY.** Except in cases of fraud, if restricted service has been provided upon  
45 request or imposed, or both, the provider may not bill to or collect from the customer for charges  
46 resulting from the service that is restricted if such charges were incurred after the restricted  
47 service was provided or imposed, or after the 2 day activation deadline under subs. (3)(c) and  
48 (4)(a).

**1-AC-184**  
**Attachment B**

SECTION 103. PSC 165.0503(1)(a) is created to read:

**PSC 165.0503(1)(a)** An account may not be deemed delinquent and a notice of intent to disconnect may not be issued until at least 20 days after the date the bill is issued.

SECTION 104. PSC s. 165.0503(2)(b) is created to read:

**PSC 165.0503(2)(b)** Failure to pay or establish a deferred payment agreement under s. PSC 165.0404 for service received by a previous customer at the premises to be served, if the previous customer continues to be an occupant of the premises.

SECTION 105. PSC s. 165.0503(2)(d), (e) and (f) are created to read:

**PSC 165.0503(2)(d)** Failure of an applicant to provide adequate verification of identity or residency, or both, under s. PSC 165.0301(1)(e).

(e) The provider is acting on commission order.

(f) Where a dangerous or emergency condition exists, in which case service may be disconnected without notice.

SECTION 106. PSC 165.0503(3)(f) and (g) are created to read:

**PSC 165.0503(3)(f)** Failure to pay delinquent extended community calling charges.

(g) Failure to pay a delinquent toll account billed by the provider unless both of the following are true:

1. The provider is also the provider of the customer's toll service for the bill in question.

2. The customer is not low-income as defined in s. PSC 160.02(8).

**Note:** Under s. PSC 160.062(6), low-income customers cannot be disconnected from local service for nonpayment of toll charges.

SECTION 107. PSC s. 165.0503(3)(i) is created to read:

**PSC 165.0503(3)(i)** Nonpayment of a bill from a prior account in the customer's name, even if it has since been transferred to the customer's current account, unless the provider does both of the following:

1. Notifies the customer in writing of the delinquent bill, including in the notice:

a. The name and address of the customer at the time the service was provided.

b. The telephone number to which the charges apply.

c. The time period during which the service was provided.

d. An indication of what portion of the charges are deniable and what portion are non-deniable.

2. Provides at least 20 days after issuing the notice for the customer to dispute the bill, pay the delinquent prior account or make payment arrangements before pursuing disconnection of the customer's current service.

**1-AC-184**  
**Attachment B**

SECTION 108. PSC 165.0503(4) is created to read:

**PSC 165.0503(4) MEDICAL OR PROTECTIVE SERVICE EMERGENCY.** (a) Notwithstanding any other provision of this section, other than for reasons of safety or danger a provider shall postpone the disconnection of service to a residential premises, or reconnect the service if disconnected, for at least 15 days to enable a customer to arrange for payment if both of the following conditions are met:

1. The service is essential due to an existing medical or protective service emergency in the customer's household.

2. The customer produces a licensed physician's statement or a notice from a public health, social service or law enforcement official that identifies the medical or protective service emergency and specifies the time period during which the service is essential.

(b) The statement or notice shall include all of the following information:

1. The name, address, and telephone number of the customer in whose name the account is registered.

2. The name of the individual with the medical or protective service emergency if other than the customer at the address where the service is provided.

3. The nature and anticipated duration of the medical or protective service emergency.

4. The name, office address, and telephone number of the physician or public health, social service, or law enforcement official providing the statement or notice.

5. The specific reason why access to telephone service must be maintained and if other than local service is necessary.

(c) Service may be disconnected 3 business days after the customer informs the provider of the medical or protective service emergency if no statement or notice is produced within that 3 day period.

(d) During the 15-day or more extension of service, the provider and customer shall work together to explore resources and make reasonable payment arrangements in order to continue the service on a permanent basis.

(e) The postponement may be extended by renewal of the statement or notice if there is evidence of reasonable communication between the provider and customer in attempting to make arrangements for payment.

(f) The customer shall be responsible for the cost of services provided during the period service is continued under the provisions of this subsection. No action to disconnect service may be taken until expiration of the period of continued service. When the statement or notice under subd. (a)2. has expired, the disconnection process may be reinitiated.

(g) If there is a dispute concerning a statement or notice of an existing medical or protective service emergency, either party may request review by the commission staff. Pending such review, service shall be continued provided that the occupant has submitted the statement or notice under subd. (a)2.

SECTION 109. PSC 165.0503(5)(c) is created to read:

**PSC 165.0503(5)(c)** Notice of disconnection for nonpayment shall be provided in a format acceptable to the commission.

**1-AC-184**  
**Attachment B**

SECTION 110. PSC 165.0503(5)(d)3., 4., and 5. are created to read:

**PSC 165.0503(5)(d)3.** A statement that disconnection will occur if the account is not paid, if arrangement is not made to pay the account under a deferred payment agreement, or if other suitable arrangements are not made.

4. A statement that the customer should call the provider, at the phone number prominently displayed on the notice of disconnection, immediately upon receipt of the notice if any of the following are true:

a. The customer disputes the notice of delinquent account.

b. The customer wishes to negotiate reasonable payment arrangements or a deferred payment agreement as an alternative to disconnection.

c. Service is necessary because of a medical or protective service emergency at the premises where service is provided.

5. A statement that the customer should first attempt to resolve any dispute by contacting the provider, and that if the grounds for the proposed disconnection remain in dispute after the customer has pursued the remedies available with the provider, the customer may contact the commission staff. The provider shall include the commission's toll-free number on the notice of disconnection.

**Note:** The commission recommends that disconnection notices also include information about low-income programs for which the customer may be eligible. See chs. PSC 160.06 to 160.062.

SECTION 111. PSC 165.051(title) is renumbered PSC 165.0402(title) and amended to read:

**PSC 165.0402 Deposits for residential service.**

SECTION 112. PSC 165.051(1)(title) is repealed.

SECTION 113. PSC 165.051(1)(intro.) is renumbered PSC 165.0402(2)(a)(intro.) and amended to read:

**PSC 165.0402(2)(a)** ~~A utility shall provider may not require a cash deposit or other guarantee as a condition of new service unless a customer~~ an applicant has an outstanding account balance with a telecommunications provider and the balance both:

SECTION 114. PSC 165.051(1)(a) to (c) and (2)(title) are repealed.

SECTION 115. PSC 165.051(2)(intro.) and (a) are renumbered PSC 165.0402(3)(a)(intro.) and 1. and amended to read:

**PSC 165.0402(3)(a)** ~~A utility provider shall not require a cash deposit or other guarantee as a condition of continued service unless either or both of the following circumstances apply:~~

**1-AC-184**  
**Attachment B**

1           1. The service of the customer has been disconnected by the utility provider once within  
2 the last 12-month period for nonpayment of a delinquent service account not currently in dispute.

3  
4  
5 SECTION 116.           PSC 165.051(2)(b) is renumbered PSC 165.0402(3)(a)2.

6  
7  
8 SECTION 117.           PSC 165.051(3) is repealed.

9  
10  
11 SECTION 118.           PSC 165.051(4)(title) is renumbered PSC 165.0402(6)(title) and amended  
12 to read:

13  
14 **PSC 165.0402(6) CONDITIONS CALCULATION OF DEPOSIT.**

15  
16  
17 SECTION 119.           PSC 165.051(4)(a) is repealed.

18  
19  
20 SECTION 120.           PSC 165.051(4)(b) is renumbered PSC 165.0402(6)(b) and amended to  
21 read:

22  
23 **PSC 165.0402(6)(b)** If the utility provider bills for toll service only, the maximum deposit for a  
24 new account may not exceed the bill for 2 ~~month's~~ months' estimated toll charges. ~~Deposits~~ The  
25 maximum deposit for an existing accounts account may not exceed the highest actual toll charges  
26 for 2 ~~consecutive~~ months within the preceding 12 months.

27  
28  
29 SECTION 121.           PSC 165.051(4)(c) is repealed.

30  
31  
32 SECTION 122.           PSC 165.051(5)(title) is renumbered PSC 165.0402(7)(title).

33  
34  
35 SECTION 123.           PSC 165.051(5)(a) is renumbered PSC 165.0402(7)(a) and amended to  
36 read:

37  
38 **PSC 165.0402(7)(a)** ~~Deposits shall bear interest payable~~ Interest shall accrue on deposits from  
39 the date a deposit is made to the date it is applied to an account balance or is refunded. The  
40 provider is not obligated to pay interest on deposits held less than 60 days.

41  
42  
43 SECTION 124.           PSC 165.051(5)(b) is renumbered PSC 165.0402(7)(b).

**1-AC-184**  
**Attachment B**

SECTION 125. PSC 165.051(5)(c) is renumbered PSC 165.0402(7)(c) and amended to read:

**PSC 165.0402(7)(c)** ~~The rate of interest set by the commission shall be payable on all deposits.~~ Utilities Providers shall calculate the interest earned on each deposit at the time of refund it is applied to the account balance or is refunded, and at the end of each calendar year. The interest rate in a calendar year shall apply to the amount of the deposit, and to all interest accrued during the previous year(s)-year, for the fraction of the calendar year that the deposit was held by the utility.

SECTION 126. PSC 165.051(6)(title) and (intro.) are repealed.

SECTION 127. PSC 165.051(6)(a) and (b) are renumbered PSC 165.0402(8)(a) and (b) and amended to read:

**PSC 165.0402(8)(a)** A deposit may be used by the utility provider to satisfy an arrearage ~~occurring after the deposit was made.~~ Except as provided in sub. (6)(d), a deposit may only be applied to charges for the specific service for which it was collected under sub. (6).

(b) If the utility provider deducts an arrearage from a customer deposit, it may require the customer to bring the deposit up to its original amount. ~~Failure of the customer~~ The customer's failure to do so within 20 days of mailing a written request for payment by the provider's deadline is grounds for disconnection under PSC 165.0503. The provider's deadline shall be at least 20 days after the provider's mailing of a written request for payment, mailed as a bill insert or separately from the customer's regular bill.

SECTION 128. PSC 165.051(6)(c) and (7)) are repealed.

SECTION 129. PSC 165.051(8) is renumbered PSC 165.0402(9)(b) and amended to read:

**PSC 165.0402(9)(b)** ~~Any~~ Except as provided in par. (c), a deposit or portion thereof refunded to a customer and any accrued interest shall be refunded by check unless both the customer and the utility provider agree to a credit on the regular billing, or unless sub. (6) applies bill.

SECTION 130. PSC 165.051(9)(title) is repealed.

SECTION 131. PSC 165.051(9) is renumbered PSC 165.0402(9)(c) and amended to read:

**PSC 165.0402(9)(c)** Upon termination of service, the deposit, ~~with~~ and any accrued interest shall be credited to the final bill and the balance shall be ~~returned~~ refunded promptly ~~to the customer.~~

**1-AC-184**  
**Attachment B**

SECTION 132. PSC 165.051(10) is renumbered PSC 165.0402(10) and amended to read:

**PSC 165.0402(10) FAILURE TO PAY.** Service may be ~~refused or disconnected~~ or refused for failure to pay a deposit ~~request~~, subject to the rules pertaining to disconnection under PSC 165.0503 and refusal of service under PSC 165.0501.

SECTION 133. PSC 165.051(11) and (12) are repealed.

SECTION 134. PSC 165.051(13) is renumbered PSC 165.0402(11) and amended to read:

**PSC 165.0402(11) EXPLANATION OF REQUIREMENT DEPOSIT.** ~~A utility shall not require any provider requiring a customer or applicant to pay a deposit or guarantee in lieu of deposit without explaining shall explain~~, in writing if requested, why ~~that~~ the deposit is required and how the amount was determined.

SECTION 135. PSC 165.052(title) is renumbered PSC 165.0503(title) and amended to read:

**PSC 165.0503 Disconnection and refusal of service.**

SECTION 136. PSC 165.052(1)(title) is renumbered PSC 165.0503(1)(title).

SECTION 137. PSC 165.052(1)(a) and (b) are repealed.

SECTION 138. PSC 165.052(1)(c) is renumbered PSC 165.0503(1)(b) and amended to read:

**PSC 165.0503(1)(b)** When a customer, either directly or through the ~~public service~~ commission, disputes a disconnection notice, the ~~utility provider~~ shall, pursuant to s. PSC 165.0303(1), investigate any disputed issue and shall attempt to resolve that issue by negotiation. During this investigation and negotiation, ~~utility service shall may not be disconnected over this matter as a result of the disputed issue~~. Upon consideration of the facts and circumstances involved, commission staff may waive this no disconnect requirement under exceptional or unusual circumstances. If a disputed issue cannot be resolved pursuant to s. PSC 165.0303(1), the provider shall inform the customer of the right to contact the commission, and shall furnish the commission's toll-free number.

SECTION 139. PSC 165.052(1)(d) is repealed.

SECTION 140. PSC 165.052(2)(title) is renumbered PSC 165.0503(2)(title).



**1-AC-184**  
**Attachment B**

SECTION 141. PSC 165.052(2)(intro.) is renumbered PSC 165.0503(2)(intro.) and amended to read:

**PSC 165.0503(2)** REASONS FOR DISCONNECTION. ~~Utility service~~ Service may only be disconnected ~~or refused~~ for ~~any one~~ one of the following reasons:

SECTION 142. PSC 165.052(2)(a), (b), (c) and (d) are renumbered PSC 165.0503(2)(a), (h), (c), and (g) and amended to read:

**PSC 165.0503(2)(a)** Failure to ~~pay a delinquent account or comply with the terms of a deferred payment agreement under s. PSC 165.0404 or failure to pay a delinquent account, provided the total amount owed for service used exceeds one month's local service charges.~~

(c) Failure to comply with deposit or guarantee arrangements ~~as specified in s. PSC 165.051~~ under ss. PSC 165.0402 or 165.0403, or failure to accept a restriction of toll service, extended community calling or other optional per-call services in place of a deposit under s. PSC 165.0402(5) or s. PSC 165.0403(5).

(g) Where subsequent ~~credit~~ information indicates that the initial application for service was falsified to the extent that ~~a deposit or guarantee would be required or service refused under the applicable sections of these rules~~ service would have been refused at the time of initial application and would be refused under a current and correctly filed application.

(h) Violation of the ~~utility's~~ provider's rules pertaining to the use of service in a manner which interferes with the service of others or to the operation of nonstandard equipment, if the customer has first been notified and provided with reasonable opportunity to remedy the situation.

SECTION 143. PSC 165.052(2)(e) and (3) are repealed.

SECTION 144. PSC 165.052(4)(title) is renumbered PSC 165.0503(3)(title).

SECTION 145. PSC 165.052(4)(intro.) and (a) to (d) are renumbered PSC 165.0503(3)(intro.), (a), (b), (d) and (e) and amended to read:

**PSC 165.0503(3)** PROHIBITIONS AGAINST DISCONNECTION. ~~Utility~~ Notwithstanding sub. (2), service may not be disconnected ~~or refused~~ for any of the following reasons: (a) Nonpayment of ~~a delinquent an account delinquent for over 6 months and where collection efforts have not been made within that time period of time unless. This period shall be extended where the passage of additional time results from other provisions herein or from good faith negotiations or~~ arrangements made with the customer.

(b) Delinquency in payment for service received by a previous occupant of customer at the premises to be served other than a member of the same household residing at, unless the previous customer continues to be an occupant of the same premises.

**1-AC-184**  
**Attachment B**

(d) Failure to pay for ~~directory advertising or~~ charges for non-utility merchandising activities, as defined in s. PSC 165.0803(1), billed by the utility provider.

(e) Failure to pay for a different ~~type or~~ class of utility service.

SECTION 146. PSC 165.052(4)(e) is renumbered PSC 165.0503(3)(c).

SECTION 147. PSC 165.052(4)(f) is renumbered PSC 165.0503(3)(h) and amended to read:

**PSC 165.0503(4)(h)** Failure to pay charges arising from any underbilling occurring more than one year prior to the current billing ~~and due to any misapplication of rates~~.

SECTION 148. PSC 165.052(4)(g) and (5) are repealed.

SECTION 149. PSC 165.052(6)(title) is renumbered PSC 165.0503(5)(title).

SECTION 150. PSC 165.052(6)(a), (b) and (c)(intro.) are renumbered PSC 165.0503(5)(a), (b) and (d)(intro.) and amended to read:

**PSC 165.0503(5)(a)** A ~~utility shall~~ provider may not disconnect service unless written notice ~~by first class mail~~ is sent to the customer by first class mail or personally served at least 5 10 calendar days prior to the proposed disconnection. ~~Service must be disconnected within 15 days of the date the notice is mailed unless the customer and the utility agree to extend this time period. If the 15-day period lapses due to the customer's pursuance of the dispute procedures herein described, If disconnection is not accomplished on or before the 20th day after issuance of a notice of disconnection, the notice is invalid and the utility provider shall provide further 5-day written~~ furnish additional notice by first class mail at least 10 days prior to disconnection.

(b) The utility provider shall make a reasonable effort to have a personal or telephone contact with the customer at least 2 days prior to disconnection. The provider shall keep a record of these contacts and contact attempts for a minimum of one billing cycle after the proposed disconnection date. When a contact is made, the provider shall review the reasons for and timing of the pending disconnection of service and explain what actions must be taken to avoid disconnection. For purposes of this subsection, contact includes leaving such information on an automatic answering device.

(d) ~~The Notice~~ notice of disconnection ~~for nonpayment shall be given upon a form approved by the commission, and~~ shall contain the following information:

SECTION 151. PSC 165.052(6)(c)1. is renumbered PSC 165.0503(5)(d)1.

**1-AC-184**  
**Attachment B**

SECTION 152. PSC 165.052(6)(c)2. is renumbered PSC 165.0503(5)(d)2. and amended to read:

**PSC 165.0503(5)(d)2.** A statement of the ~~reason(s)~~ reason for the proposed disconnection of service ~~and that disconnection will occur if the account is not paid, or if arrangement is not made to pay the account under deferred agreement, or if other suitable arrangements are not made.~~

SECTION 153. PSC 165.052(6)(c)3., 4., and 5. are repealed.

SECTION 154. PSC 165.052(7)(title) is renumbered PSC 165.0503(6)(title).

SECTION 155. PSC 165.052(7) is renumbered PSC 165.0503(6) and amended to read:

**PSC 165.0503(6) DISCONNECTION PROHIBITED ON CERTAIN DAYS.** Service shall not be disconnected on a day, or on a day immediately preceding a day, when ~~the business offices of the utility~~ customer service personnel are not readily available ~~to the public for the purpose of transacting all business matters unless the utility provides personnel which are readily available to the customer 24 hours per day to evaluate, negotiate or otherwise consider the customer's objection to the disconnection as provided under s. PSC 165.0535, and proper service personnel are readily available , and to restore service 24 hours per day.~~

SECTION 156. PSC 165.052(8) is repealed.

SECTION 157. PSC 165.0525(title) is renumbered PSC 165.0404(title).

SECTION 158. PSC 165.0525(intro.) is renumbered PSC 165.0404(1) and amended to read:

**PSC 165.0404(1)** ~~The utility~~ A provider is required to offer a deferred payment agreements only agreement to residential ~~accounts~~ customers and encouraged to offer such agreements to other customers.

SECTION 159. PSC 165.0525(1) and (2)(intro.) are renumbered PSC 165.0404(3) and (4)(intro.) and amended to read:

**PSC 165.0404(3)** Every deferred payment agreement entered into due to the customer's inability or failure to pay the outstanding bill in full shall provide that service will not be ~~discontinued~~ disconnected if the customer pays a reasonable amount of the outstanding bill and agrees to pay a reasonable portion of the remaining outstanding balance in installments until the bill is paid in full.

**1-AC-184**  
**Attachment B**

(4) For purposes of determining reasonableness under ~~these rules~~ this subsection the parties shall consider the:

SECTION 160. PSC 165.0525(2)(a) to (f) are renumbered PSC 165.0404(4)(a) to (e) and (g).

SECTION 161. PSC 165.0525(3) is renumbered PSC 165.0404(5)(c) and amended to read:

**PSC 165.0404(5)(c)** A written deferred payment agreement ~~offered by a utility~~ shall state the following immediately preceding the space provided for the customer's signature and in bold face print type at least 2 sizes as large or larger than any other uses thereon, that the print size used in the remaining portion of the agreement:

"IF YOU ARE NOT SATISFIED WITH THIS AGREEMENT, DO NOT SIGN. IF YOU DO SIGN THIS AGREEMENT YOU GIVE UP YOUR RIGHT TO DISPUTE THE AMOUNT DUE UNDER THE AGREEMENT EXCEPT ~~FOR IF THE UTILITY'S FAILURE OR REFUSAL~~ TELEPHONE PROVIDER FAILS OR REFUSES TO FOLLOW THE TERMS OF THIS AGREEMENT."

"IF YOU FAIL TO MAKE PAYMENTS ACCORDING TO THE TERMS OF THIS AGREEMENT, AND THERE HAS NOT BEEN A SIGNIFICANT CHANGE IN YOUR ABILITY TO PAY SINCE THE AGREEMENT WAS NEGOTIATED, THE TELEPHONE PROVIDER SHALL HAVE THE RIGHT TO DISCONNECT YOUR SERVICE PURSUANT TO S. PSC 165.0503, AND SHALL NOT BE REQUIRED TO RENEGOTIATE ANOTHER DEFERRED PAYMENT AGREEMENT PRIOR TO DISCONNECTION."

SECTION 162. PSC 165.0525(4) is repealed.

SECTION 163. PSC 165.0525(5) is renumbered PSC 165.0404(7) and amended to read:

**PSC 165.0404(7)** If ~~an applicant for utility service~~ a customer has not fulfilled the terms of a deferred payment agreement, and there has not been a significant change in the customer's ability to pay since the agreement was negotiated, the ~~utility~~ provider shall have the right to disconnect pursuant to ~~disconnection of service rules (s. PSC 165.052) and under 165.0503~~. Under such circumstances, ~~it shall~~ the provider may not be required to offer subsequent negotiation of a deferred payment agreement prior to disconnection.

SECTION 164. PSC 165.0525(6) is repealed.

SECTION 165. PSC 165.053(title) is renumbered PSC 165.0202(title).

**1-AC-184**  
**Attachment B**

SECTION 166. PSC 165.053(1) is renumbered PSC 165.0202(1) and amended to read:

**PSC 165.0202(1)** COMPLAINT INVESTIGATION. Each ~~telecommunications utility provider~~ shall make a full and prompt investigation of all ~~types of~~ complaints made by its customers, either directly to it or through the commission. ~~A record shall be kept of all pertinent facts related to the complaint.~~

SECTION 167. PSC 165.053(2) and 165.0535(title) are renumbered PSC 165.0804 and 165.0303(title).

SECTION 168. PSC 165.0535(1)(intro.), (a) and (b) are renumbered PSC 165.0303(1)(intro.), (a) and (c) and amended to read:

**PSC 165.0303(1)** Whenever ~~the~~ a customer inquires about or notifies a provider that the customer disputes the utility's a request for a deposit or other guarantee, or advises the utility's designated office prior to the disconnection of service that all or any part of any billing as rendered is in dispute, any matter related to the disconnection or refusal of telecommunications service, or that any other matter related to the disconnection or refusal of service is in dispute customer's telecommunications service, the ~~utility~~ provider shall:

(a) Investigate the dispute or inquiry promptly and completely.

(c) ~~Advise~~ Promptly advise the customer of the results of the investigation.

SECTION 169. PSC 165.0535(1)(c) is renumbered PSC 165.0303(1)(d).

SECTION 170. PSC 165.0535(1)(d) is renumbered PSC 165.0303(1)(e) and amended to read:

**PSC 165.0303(1)(e)** Provide the opportunity for the customer to make reasonable payment arrangements or enter into a deferred payment agreement under s. PSC 165.0404, when applicable, in order to settle the dispute.

SECTION 171. PSC 165.0535(2) is repealed.

SECTION 172. PSC 165.0535(3)(intro.) is renumbered PSC 165.0303(5)(a) and amended to read:

**PSC 165.0303(5)(a)** ~~Any~~ After commission staff review, any party to the dispute ~~after informal review~~ may make a written request for a ~~formal~~ review by the commission. ~~Such request must be made~~ To avoid disconnection pending such a review, the commission must receive the request for review within 5 business days of the date the commission staff telephones or mails written

**1-AC-184**  
**Attachment B**

~~notice of terms of settlement after informal review. If written confirmation of the staff telephone notice is requested and mailed, the 5 day period begins from the date of that mailing after issuance of the commission staff's determination. All other requests for commission review shall be made within 30 days after issuance of the commission staff's determination. The request shall be made in writing and shall specify the nature of the dispute and the basis for the request.~~

SECTION 173. PSC 165.0535(3)(a) to (d) and (4) are repealed.

SECTION 174. PSC 165.0535(5) is renumbered PSC 165.0303(7)(a) and amended to read:

**PSC 165.0303(7)(a)** ~~Utility service shall~~ Service may not be disconnected or refused because of any disputed matter while the disputed matter is being pursued in accordance with the provisions of this section. In no way does this relieve the customer from obligation of paying charges ~~which~~ that are not disputed. The provider shall inform the complainant that pursuing a disputed matter does not relieve the complainant of the obligation of paying charges that are not in dispute, or prevent disconnection of service for nonpayment of undisputed charges.

SECTION 175. PSC 165.054 and 165.055(title) are renumbered PSC 165.0208 and 165.0306(title).

SECTION 176. PSC 165.055(1) to (6) are renumbered PSC 165.0306(1) to (3), (4)(a)(intro.), (6) and (5) and amended to read:

**PSC 165.0306(1)** ~~An Exchange~~ exchange alphabetical telephone ~~directories~~ directory shall be ~~made available provided to each customers~~ customer without charge ~~for each local switched access line service.~~ As an alternative and at the customer's option, the directory may be provided to the customer in an electronic format. Additional exchange alphabetical telephone directories shall be made available to customers for each local switched access line. The listings of customers in foreign exchanges to which extended-area service is provided shall also be made available without charge to all local customers. Where such listings are not actually furnished to all customers, the ~~utility~~ provider shall state in the directory how such listings may be obtained. Inclusion of all listings for the calling area within a single volume is recommended. Advertisement listings are included in directories at the discretion and under the direction of a provider.

(2) ~~Directories~~ The directory shall be revised at least annually. Exemptions from this requirement may be allowed in special cases, ~~such as a dial conversion directory,~~ when changed listings and new listings are not sufficient in number to cause serious inconvenience. ~~A shorter directory interval may be necessary where the number of changed listings and new listings is abnormally large.~~

(3) The name of the ~~utility~~ provider, ~~exchange covered by the~~ directory coverage area, month and year issued, and the area code shall appear prominently on the front cover. If the directory serves more than one exchange, such exchanges shall be listed on the cover, or, for

**1-AC-184**  
**Attachment B**

metropolitan areas, in the information pages in the front of the directory.

(4)(a) Each directory shall prominently include all of the following: ~~contain the warning to party-line subscribers as required by s. 941.35, Stats., a warning that placing nuisance calls is prohibited by law (s. 947.01, Stats.), a list of common governmental emergency numbers, a list of extended area service points, and the repair service number, all prominently shown, and pertinent instructions concerning the use of local, extended area, and toll service. The emergency numbers shall appear either on the inner or outer face of the front cover.~~

(5) Each directory distributed to customers in exchanges with single-party revertive calling capability shall include instructions as to the use of that revertive calling capability. Directories covering numerous exchanges or wire centers with different dialing instructions for use of single-party revertive calling capability, may direct customers to call the utility provider for such instructions in lieu of including the instructions.

(6) A copy of each new directory shall be filed with the ~~public service~~ commission.

SECTION 177. PSC 165.06 is renumbered PSC 165.0701.

SECTION 178. Subchapter VI (title) [precedes s. PSC 165.0601] is created to read:

**Subchapter VI - Service Standards**

SECTION 179. PSC 165.0606 is created to read:

**PSC 165.0606 Business office answering time standards.** (1) In this section: (a) "Computerized call center system" means a system in which an automatic call distributor is used to manage incoming calls and to place calls in a queue, and which has the capability to generate statistical information.

(b) "Connection speed" means the amount of time it takes for a dialed call to connect to the provider's business office or call center. A call is considered connected at the point when a call would result in a charge if it were a chargeable call.

(c) "Answer speed" means the amount of time it takes for a connected call to be answered by either an agent or an automated system, ready to assist the caller, measured from the point when the call is first connected. An acknowledgement that the caller is waiting on the line shall not constitute an answer.

(2) A provider shall maintain sufficient employees and equipment to meet or exceed the following standards involving calls to obtain information or transact business such as establishing service, changing service, making bill inquiries, or establishing payment arrangements:

(a) An average connection speed of 15 seconds or less if answered by an agent, or 6.3 seconds if answered by an automated system.

(b) An average answer speed of 20 seconds or less if answered by an automated system. This average speed shall be determined by summing the total queuing time and dividing it by the total number of calls handled by the automated system without being transferred to an agent.

**1-AC-184**  
**Attachment B**

(c) An average answer speed of 60 seconds or less if answered by an agent. This average speed shall be determined by summing the total time between requests for live response and connections to an agent who is ready to assist the caller, and dividing it by the total number of calls connected to an agent.

(3) A provider must offer callers the option of selecting an agent contact among those selections presented by any computerized call center system.

(4) If a provider uses a computerized call center system, the provider shall calculate the average automated system connection speed, automated system answer speed, and agent answer speed. The basis for calculating these speeds shall be a one-month period.

(5) A provider shall maintain average connection and answer speed data for 3 years in a manner acceptable to the commission.

SECTION 180. PSC 165.061 is renumbered PSC 165.0702.

SECTION 181. A note [follows PSC 165.0612(7)] is created to read:

**Note:** Under PSC 165.0206, utilities are required to keep certain records of customer trouble reports for the time period specified in PSC 165.0201.

SECTION 182. PSC 165.062 to 165.065 are renumbered PSC 165.0603 and 165.0703 to 165.0705.

SECTION 183. PSC 165.066 is renumbered PSC 165.0706.

SECTION 184. PSC 165.067 and 167.07 are renumbered PSC 165.0707 and 167.0708.

SECTION 185. Subchapter VII (title) [precedes s. PSC 165.0701] is created to read:

**Subchapter VII - Equipment and Technical Standards**

SECTION 186. PSC 165.071(title) is renumbered PSC 165.0709(title).

SECTION 187. PSC 165.071(1) is renumbered PSC 165.0709(1) and amended to read:

**PSC 165.0709(1)** Each utility furnishing telecommunications service, where local exchange billing is based on the number and/or duration of messages completed calls, shall provide the necessary facilities, instruments, and equipment for testing its metering and recording equipment. Any utility may be exempted from this requirement by the commission, provided that satisfactory arrangements are made for test of its meters and recording equipment by another utility or approved organization.



**1-AC-184**  
**Attachment B**

SECTION 188. PSC 165.071(2) is renumbered PSC 165.0709(2).

SECTION 189. PSC 165.072(title) is renumbered PSC 165.0710(title).

SECTION 190. PSC 165.072(intro.), (1) and (2) are renumbered PSC 165.0710(intro.), (1) and (2) and amended to read:

**PSC 165.0710 Accuracy requirements.** All meters ~~and/or~~ and recording devices used to record data and prepare customer's bills shall be in good mechanical and electrical condition, shall be accurately read and shall not involve approximations. All meters ~~and/or~~ and recording devices shall accurately perform the following:

(1) For message rate service, where timing of the length of message completed calls is not involved, the meter ~~and/or~~ or recording device, or both, shall show accurately the number of completed ~~messages~~ calls sent by the access line which it is measuring.

(2) For message rate ~~and/or~~ or toll service, or both, when in addition to recording the number of ~~messages~~ completed calls it is necessary to time the ~~messages~~ calls, the meter ~~and/or~~ or recording device, or both, shall show accurately the number of ~~messages~~ completed calls and the connected time (for person-to-person messages, conversation time) involved in each ~~message~~ such call made on the access line being measured.

SECTION 191. PSC 165.072(3) is renumbered PSC 165.0710(3).

SECTION 192. PSC 165.073 to 165.077 are renumbered PSC 165.0711 to 165.0715.

SECTION 193. PSC 165.078 is renumbered PSC 165.0209 and amended to read:

**PSC 165.0209 Test records.** A record of malfunctions associated with incorrect ticketing information shall be maintained for 2 years. Such record shall include date and time of outage, number of ~~messages~~ completed calls lost, estimated dollar value lost, and explanation of problem including an identification of the piece of equipment that failed.

SECTION 194. PSC 165.08(title) and (1) to (4) are renumbered PSC 165.0601(title) and (1) to (4).

SECTION 195. PSC 165.08(5) is renumbered PSC 165.0601(5) and amended to read:

**PSC 165.0601(5)** Local service furnished by means of line concentrator, remote switching unit, or subscriber carrier equipment at a given central office shall be substantially equivalent to that furnished other ~~subscribers~~ customers at that central office served by means of normal physical loops.

**1-AC-184**  
**Attachment B**

SECTION 196. Subchapter VIII (title) [precedes s. PSC 165.0801] is created to read:

**Subchapter VIII - Miscellaneous Requirements**

SECTION 197. PSC 165.0804(title) is created to read:

**PSC 165.0804 Customer caused interference.**

SECTION 198. PSC 165.081 and 165.082 are renumbered PSC 165.0602 and 165.0604.

SECTION 199. PSC 165.083(title) and (intro.) are renumbered PSC 165.0605 (title) and (intro.) and amended to read:

**PSC 165.0605 Answering General answering time objectives standards.** Sufficient forces and equipment shall be maintained to attain the following average daily answer performance objectives standards:

SECTION 200. PSC 165.083(1) to (6) are renumbered PSC 165.0605(1) to (6).

SECTION 201. PSC 165.084(title) is renumbered PSC 165.0607 and amended to read:

**PSC 165.0607 Dial service objectives standards.**

SECTION 202. PSC 165.084(1)(intro.), (a), (b) and (c) are renumbered PSC 165.0607(1)(intro.), (a) and (b), and (2).

SECTION 203. PSC 165.085 is renumbered PSC 165.0608 and amended to read:

**PSC 165.0608 Interoffice trunks.** Quantities of local interoffice trunks between central offices in multioffice exchanges and toll connecting trunks shall be designed so that at least 97% of calls offered to the group will not encounter an all-trunks-busy condition. The objective standard for extended-area service trunks shall be no less than 97%.

SECTION 204. PSC 165.086 is renumbered PSC 165.0609 and amended to read:

**PSC 165.0609 Transmission requirements.** Telecommunications utilities shall furnish and maintain adequate plant, equipment, and facilities to provide satisfactory transmission of communications. Transmission design, which includes the consideration of noise and cross-talk, shall be such as to assure that objectives standards stated in s. PSC ~~165.087~~ 165.0610 are met by

**1-AC-184**  
**Attachment B**

1 better than 95% of the trunks and subscribers' lines in service. It is recognized that, due to  
2 extreme environmental conditions and economic factors, it is normal to have a small percentage  
3 of items that exceed ~~objective~~ standards levels. In the event that the loss exceeds the stated  
4 ~~objectives~~ standards by more than 4 decibels dB, or the noise exceeds the stated ~~objectives~~  
5 standards by more than 10 dB, such cases of excess loss or noise shall be considered as troubles  
6 requiring immediate action.

7  
8  
9 SECTION 205. PSC 165.087(title) is renumbered PSC 165.0610(title), and amended to  
10 read:

11  
12 **PSC 165.0610 Minimum transmission ~~objectives~~ standards.**

13  
14  
15 SECTION 206. PSC 165.087(1)(title), (intro.) and (a) to (c) are renumbered PSC  
16 165.0610(1)(title), (intro.) and (a) to (c).

17  
18  
19 SECTION 207. PSC 165.087(1)(d) is renumbered PSC 165.0610(1)(d) and amended to  
20 read:

21  
22 **PSC 165.0610(1)(d)** dBrnC is also defined as dBrnC0 minus expected measured loss, e.g., a  
23 noise ~~objective~~ standard of 36 dBrnC0 with an expected measured loss of 6 dB will have a noise  
24 ~~objective~~ standard of 30 dBrnC and a maximum noise of 40 dBrnC.

25  
26  
27 SECTION 208. PSC 165.087(1)(e) and (2)(title) are renumbered PSC 165.0610(1)(e) and  
28 (2)(title).

29  
30  
31 SECTION 209. PSC 165.087(2)(a) to (d) are renumbered PSC 165.0610(2)(a) to (d) and  
32 amended to read:

33  
34 **PSC 165.0610(2)(a)** The transmission ~~objectives~~ standards set forth herein are based upon  
35 measurements at the ~~subscriber's~~ customer's network interface device with customer inside wire  
36 and customer premise equipment disconnected.

37 (b) A subscriber line shall, in general, have a loop resistance not exceeding the operating  
38 design of the associated central office equipment. Amplifiers and long line adapters may be used  
39 to extend the central office equipment design limits; however, the ~~objectives of~~ standards in  
40 these rules must still be met.

41 (c) The maximum transmission loss ~~objective~~ standard of any one subscriber loop shall  
42 be 8.5 dB dialed to the serving central office milliwatt tone supply. Subscribers' loops with losses  
43 in excess of 12.5 dB shall be considered as troubles requiring immediate action.

44 (d) The maximum noise ~~objective~~ standard for subscribers' lines shall be 25 dBrnC.  
45 Subscribers' lines with noise in excess of 35 dBrnC shall be considered as troubles requiring  
46 immediate action.

**1-AC-184**  
**Attachment B**

SECTION 210. PSC 165.087(3)(title) is renumbered PSC 165.0610(3)(title).

SECTION 211. PSC 165.087(3)(a) and (b) are renumbered PSC 165.0610(3)(a) and (b) and are amended to read:

**PSC 165.0610(3)(a)** The maximum overall transmission loss ~~objective standard~~, including the loss of terminating equipment on local interoffice and toll trunks shall be 6 dB. Local interoffice and toll trunks with losses in excess of 10 dB shall be considered as troubles requiring immediate action.

**(b)** The maximum noise ~~objective standard~~ for trunks, with both terminals located in Wisconsin, shall be 36 dBrnC0. Noise in excess of 46 dBrnC0 shall be considered as troubles requiring immediate action.

SECTION 212. PSC 165.088 is renumbered PSC 165.0611.

SECTION 213. PSC 165.089(title) and (1) are renumbered PSC 165.0612(title) and (1).

SECTION 214. PSC 165.089(2) is renumbered PSC 165.0612(2) and amended to read:

**PSC 165.0612(2)** Each telecommunications utility shall make all reasonable efforts to prevent interruptions of service. When routine interruptions occur, the utility shall re-establish service as soon as possible consistent with the customer's needs. The minimum ~~objective standard~~ shall be to clear 95% of all routine out-of-service troubles within 24 hours of the time such troubles are reported.

SECTION 215. PSC 165.089(3) to (6) are renumbered PSC 165.0612(3) to (6).

SECTION 216. PSC 165.089(7) is renumbered PSC 165.0206 and amended to read:

**PSC 165.0206** Each ~~telecommunications utility~~ provider shall maintain an accurate record of trouble reports made by its customers. This record shall include appropriate identification of the customer or service affected, the time, date and nature of the report, the action taken to clear trouble or satisfy the complaint, the date and time of trouble clearance or other disposition and identification of the employee making final disposition. This record shall be available to the commission or its authorized representatives upon request at any time within the period prescribed in s. PSC 165.0201(1) for retention of such records.

**1-AC-184**  
**Attachment B**

SECTION 217. PSC 165.089(8) is renumbered PSC 165.0612(7) and amended to read:

**PSC 165.0612(7)** It shall be the objective standard to so maintain service that the average rate of all customer trouble reports attributable to regulated utility plant and operations in an exchange is no greater than 5 per 100 access lines per month.

SECTION 218. PSC 165.09 and 165.091 are renumbered PSC 165.0801 and 165.0802.

SECTION 219. PSC 165.10(title) and (1) to (3) are renumbered PSC 165.0803(title) and (1) to (3).

SECTION 220. PSC 165.10(4) is renumbered PSC 165.0803(4) and amended to read:

**PSC 165.0803(4)** If a telecommunications utility proposes the exclusive nonutility merchandising of a service or product being provided under tariff, the commission shall treat the filing as a proposal for abandonment of service pursuant to s. 196.81, Stats. ~~(See also s. PSC 2.71).~~

SECTION 221. PSC 168.09(6) is amended to read:

**PSC 168.09(5)** Alternative telecommunications utility resellers shall comply with ch. PSC 160, subch. I of ch. PSC 165, ss. PSC 165.0201 and 165.0202, subch. III of ch. PSC 165, ss. PSC 165.0401 to 165.0404, subch. V of ch. PSC 165, and s. PSC 165.0606. If a particular deadline in s. PSC 168.10 differs from a particular deadline in ch. PSC 165, the shorter deadline shall apply.

Sections PSC 165.0501(2)(j)4. and 165.0503(3)(i)1.d. shall first apply to charges accrued 12 months before the effective date of this rule...[revisor inserts date].

This rule shall take effect on the first day of the third month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.) Stats.

<b>2001 Session</b>	
<div style="display: flex; justify-content: space-between;"> <div> <input checked="" type="checkbox"/> ORIGINAL   <input type="checkbox"/> CORRECTED         </div> <div> <input type="checkbox"/> UPDATED   <input type="checkbox"/> SUPPLEMENTAL         </div> </div> <p><b>FISCAL ESTIMATE</b> DOA-2048 N(R10/96)</p>	<div style="border: 1px solid black; padding: 2px;">         LRB or Bill No./Adm. Rule No.  <b>1-AC-184</b> </div> <div style="border: 1px solid black; padding: 2px;">         Amendment No. if Applicable       </div>
<b>Subject</b>  Revision of PSC 165 - Consumer Rules Related to the Provision of Telecommunications Service	
<b>Fiscal Effect</b> <b>State:</b> <input checked="" type="checkbox"/> No State Fiscal Effect Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation. <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 60%;"> <input type="checkbox"/> Increase Existing Appropriation    <input type="checkbox"/> Increase Existing Revenues  <input type="checkbox"/> Decrease Existing Appropriation    <input type="checkbox"/> Decrease Existing Revenues  <input type="checkbox"/> Create New Appropriation         </div> <div style="width: 35%;"> <input type="checkbox"/> Increase Costs - May be possible to Absorb Within Agency's Budget    <input type="checkbox"/> Yes    <input type="checkbox"/> No   <input type="checkbox"/> Decrease Costs         </div> </div>	
<b>Local:</b> <input checked="" type="checkbox"/> No local government costs <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div style="width: 30%;">         1.    <input type="checkbox"/> Increase Costs                <input type="checkbox"/> Permissive    <input type="checkbox"/> Mandatory          2.    <input type="checkbox"/> Decrease Costs                <input type="checkbox"/> Permissive    <input type="checkbox"/> Mandatory       </div> <div style="width: 30%;">         3.    <input type="checkbox"/> Increase Revenues                <input type="checkbox"/> Permissive    <input type="checkbox"/> Mandatory          4.    <input type="checkbox"/> Decrease Revenues                <input type="checkbox"/> Permissive    <input type="checkbox"/> Mandatory       </div> <div style="width: 35%;">         5. Types of Local Governmental Units Affected:  <input type="checkbox"/> Towns    <input type="checkbox"/> Villages    <input type="checkbox"/> Cities  <input type="checkbox"/> Counties    <input type="checkbox"/> Others _____  <input type="checkbox"/> School Districts    <input type="checkbox"/> WTCS Districts       </div> </div>	
<b>Fund Sources Affected</b> <input type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	<b>Affected Ch. 20 Appropriations</b> 20.155(l)(g)
<b>Assumptions Used in Arriving at Fiscal Estimate</b>  PSC Rule 165 has not been updated since 1965. The refinement of the current rules is being done to update them in relation to changes in regulation of the telecommunications industry. New sections have been written to clarify the rights and responsibilities of consumers and companies. The changes in these rules do not result in any increased state or local fiscal effect.	
<b>Long-Range Fiscal Implications</b>	
<b>Agency/Prepared by: (Name &amp; Phone No.)</b>  PSC/Gordon Grant                      267-9086	<b>Authorized Signature/Telephone No.</b>  
<b>Date</b>  04/03/01	